

MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
SPECIAL WASTE AND MARKET DEVELOPMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET
2ND FLOOR
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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Jose Medina, Chairperson

Steven R. Jones

Michael Paparian

Carl Washington

STAFF

Mark Leary, Executive Director

Julie Nauman, Chief Deputy Director

Kathryn Tobias, Chief Counsel

Jim Lee, Deputy Director

Martha Gildart, Supervising Waste Management Engineer

ALSO PRESENT

Don Dier

Michael Blumenthal

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PROCEEDINGS

CHAIRPERSON MEDINA: Good morning. If we can have the roll call, please.

SECRETARY HARRIS: Board Member Medina?

CHAIRPERSON MEDINA: Present.

SECRETARY HARRIS: Board Member Jones?

BOARD MEMBER JONES: Here.

SECRETARY HARRIS: Board Member Paparian?

BOARD MEMBER PAPARIAN: Here.

SECRETARY HARRIS: Board Member Washington?

BOARD MEMBER WASHINGTON: Here.

CHAIRPERSON MEDINA: Okay. This is a meeting of the Special Waste and Market Development Committee Subcommittee. This is a discussion on the revised Five-Year Plan for the waste tire program. Today is Monday, March the 24th.

And we would ask you to turn off your cell phones and pagers or put them on vibrate.

The speaker slips are in the back if you wish to speak today. We have allotted time for speakers.

With that, Board members, any ex partes?

Board Member Washington?

BOARD MEMBER WASHINGTON: I have none.

CHAIRPERSON MEDINA: Board Member Paparian?

BOARD MEMBER PAPARIAN: Yes. I spoke briefly

1 with Michael Blumenthal from the Rubber Manufacturers
2 Association. I also had letters that came in -- must have
3 been Friday from Californians Against Waste and from the
4 Sierra Club regarding the Five-Year Tire Plan.

5 CHAIRPERSON MEDINA: Board Member Jones?

6 BOARD MEMBER JONES: I'm up to date.

7 CHAIRPERSON MEDINA: And I have two
8 communications; one from the Sierra Club in regard to the
9 Five-Year Plan, and another one from the Contra Costa
10 Community Development Department, specifically a request
11 to increase RNDZ funds from the waste tire program.

12 With that, we will begin our meeting on revising
13 the Five-Year Plan for the waste tire program. This
14 workshop will continue the discussion from March the 7th,
15 and we'll be addressing three specific issues today; the
16 budget, the text, and the performance measures.

17 First, the Committee will deliberate on specific
18 budget allocations for the various program elements. At
19 the March 7th workshop the Committee voted three to one on
20 the budget for Fiscal Years 2003-2004, Fiscal Years
21 2004-2005. Today we will be working on the outer years.

22 The first thing that I would like to take up
23 today, Board members, is because of the requirements of
24 the Kuehl Bill, I would like a motion to reopen '04-'05 in
25 order to make an adjustment. We need to add \$200,000 more

1 to the Kuehl Bill for '04-'05. And I am proposing that we
2 take that from the tire care brochure survey which had
3 been budgeted for 250,000 for '04-'05, and what I'm
4 proposing, after we take the vote to reopen the '04-'05
5 year, is that we allocate 200,000 of that to the Kuehl
6 Bill so we meet the percentage requirement that we need
7 and that 25,000 be added to the buy recycled conference
8 bringing that up to 75, and 25,000 go to the State agency
9 brochure and development.

10 So the first motion that I'd like to make, Board
11 Members, is to reopen '04-'05 so that we can make that
12 adjustment to the Kuehl Bill. So if I can have a motion
13 in that regard.

14 BOARD MEMBER JONES: Mr. Chair.

15 CHAIRPERSON MEDINA: Board Member Jones.

16 BOARD MEMBER JONES: I move we open up '04-'05
17 and pull the dollars out of the tire care brochure survey
18 and reallocate the 200,000 of that to the local RAC,
19 25,000 to the buy recycled campaign or the --

20 CHAIRPERSON MEDINA: Buy recycle conference.

21 BOARD MEMBER JONES: The conference. And I guess
22 it was another 25,000 to --

23 CHAIRPERSON MEDINA: State agency.

24 BOARD MEMBER JONES: State agency. Right.

25 CHAIRPERSON MEDINA: Can I have a second?

1 BOARD MEMBER WASHINGTON: Second.

2 CHAIRPERSON MEDINA: Let's see. Can we take that
3 in two motions? Would that be better to have that in two
4 motions, or can we do that in one motion?

5 CHIEF COUNSEL TOBIAS: I think it's however you
6 want to do it. It won't --

7 CHAIRPERSON MEDINA: If we can do it in one
8 motion, we'll go ahead and move exactly as Board Member
9 Jones proposed. We have a first and a second.

10 Board Member Paparian.

11 BOARD MEMBER PAPARIAN: Thank you, Mr. Chairman.
12 I did want to make a brief statement before we really dive
13 into this today. This maybe speaks to this item as well.

14 I think what my suggestion ultimately will do
15 will help us move our work along more quickly today. It
16 was pretty clear from our last meeting that the consensus
17 of the Committee was to go with the staff and Chairman's
18 proposals regarding the budget.

19 Our responsibility -- the visibility of this
20 program has really increased significantly since the tire
21 budget increased from several million a year to over
22 30 million a year. I do not support the staff's proposal
23 on the budget. I do not support, Mr. Chairman, I'm sorry
24 to say, your proposal on the budget for some very key
25 reasons.

1 I think that the proposals selectively avoid
2 implementation of key provisions of 876. They selectively
3 avoid implementation of key directions from our Strategic
4 Plan. They selectively avoid the environmental approach
5 that's prevalent elsewhere in the Board.

6 I recognize --

7 CHAIRPERSON MEDINA: Excuse me, Board
8 Member Paparian.

9 BOARD MEMBER PAPARIAN: I'm still speaking.

10 CHAIRPERSON MEDINA: I have no problems with you
11 making your statements that you have written down.
12 However, we are voting on a motion. And I'd like to hear
13 the vote.

14 BOARD MEMBER PAPARIAN: I'm speaking to the
15 motion, Mr. Chairman.

16 CHAIRPERSON MEDINA: As long as you are speaking
17 to the motion. That's what I want to clear up.

18 BOARD MEMBER PAPARIAN: Yes. I believe that the
19 motion does continue the selective avoidance of key things
20 involved in 876, involved in the Strategic Plan, and
21 involved in the environmental approach prevalent elsewhere
22 in the Board.

23 Now, in order to expedite the discussions on the
24 budget, I'm happy to simply vote no on the budget on the
25 items that come forward, unless the Chair wants to go

1 through all the proposals line by line. In that way and
2 case I can vote no on each line item.

3 But I think that the foundation for the budget
4 for '03-'04 and '04-'05 is sorely lacking for the reasons
5 that I mentioned; the avoidance of 876 provisions, the
6 avoidance of Strategic Plan direction, and the avoidance
7 of environmental approaches. So I'll be voting no on this
8 one.

9 And then, Mr. Chairman, if you want to take the
10 rest of the budget in its entirety just for one up or down
11 vote, I'd be happy to do that. If you want to take my
12 text direction, which I think hangs together as a whole --
13 if you want to take my text direction in a single up or
14 down vote before we go into the individual sections, I
15 think that might expedite that discussion as well.

16 CHAIRPERSON MEDINA: Well, Board Member Papanian,
17 thank you for your remarks.

18 We will go ahead and be voting on this motion.
19 And again, there are four members of this Committee. So
20 it's not just what you prefer or how you would like for
21 this meeting to go. It's up to how -- you know, we are
22 taking care of one part of the budget which we will close
23 with this motion, and then we'd proceed to the outer
24 years.

25 So would you call the roll on the motion before

1 us.

2 SECRETARY HARRIS: Jones?

3 BOARD MEMBER JONES: Aye.

4 SECRETARY HARRIS: Paparian?

5 BOARD MEMBER PAPARIAN: No.

6 SECRETARY HARRIS: Washington?

7 BOARD MEMBER WASHINGTON: Aye.

8 SECRETARY HARRIS: Medina:

9 CHAIRPERSON MEDINA: Aye.

10 With that, we will move on to the outer years of
11 the budget.

12 And if we can have a report from Ms. Gildart.

13 Would you like to give us a report on this?

14 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

15 Sally, can you get the slide show up?

16 (Thereupon an overhead presentation was
17 presented as follows.)

18 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

19 The first thing we're going to be looking at this
20 morning -- I'm going to click through here a little since
21 we've heard much of this presentation before in the
22 earlier Committee meetings.

23 The interesting issue we've got to deal with
24 here, this diagram is trying to describe what happens when
25 the \$1-per-tire-fee drops to 75 cents. Before we can

1 actually do the budget for those outer years, the
2 '06-'07, '07-'08, I thought the Committee would like to
3 consider what budget amount they want to direct staff to
4 work with.

5 At this moment we have an expenditure authority,
6 which is the amount of money that is shown in the State
7 budget as approved by the Legislature and the Governor, at
8 \$31.8 million per year. To make any adjustment up or down
9 to that amount requires a budget change proposal that
10 would be prepared roughly a year, year and a half in
11 advance and submitted through that whole budget
12 preparation cycle.

13 And what happens is because the fee drops
14 from \$1 to 75 cents in December of '06, which is the
15 mid-point of that fiscal year, the estimated revenue for
16 that year drops from the roughly 31 million level to
17 28 million or so. The following year, '07-'08, is the
18 first full year at the 75-cent-per-tire fee. And once
19 again, we're estimating that the revenues will be about
20 \$24 million.

21 Now, there is a reserve. I believe depending
22 upon how much the Legislature sweeps this year in the
23 budget cycle, there's somewhere around 3 or \$4 million
24 left in that reserve. Each year the million dollar
25 emergency reserve that's set aside as part of the

1 remediation program budget drops into that pot of money.
2 So it's possible by the 6-7 year we could have 6 or
3 \$7 million in the tire fund reserve.

4 So the Board has the option of continuing out
5 that 31.8 million expenditure authority another year or
6 two and making up the shortfall that appears in this slide
7 as the light gray with that reserve money and only do a
8 BCP to drop our expenditure authority to the 24 million
9 level in an outer year, possibly even '08-'09. Or we
10 could follow the stair step pattern that this slide
11 projects and have our BCP's submitted yearly for two or
12 three years to bring it down step by step to the amount of
13 the revenue.

14 Because that issue had not been decided in any of
15 the previous meetings, the staff put together a
16 preliminary proposed budget trying to follow fairly
17 closely the revenue, not necessarily the expenditure
18 authority. I believe you were all provided with an e-mail
19 copy of that proposal, and we can discuss that.

20 We'll be switching back momentarily to the interactive
21 tables which have no dollars amounted in some of those
22 columns, but this is one thing I thought you might like to
23 discuss or give us direction on what way you prefer us to
24 develop the budget.

25 CHAIRPERSON MEDINA: Board members, any response

1 on this?

2 BOARD MEMBER JONES: Not me. I think we ought to
3 just go for the head and bring it down and start managing
4 it, whatever we've got the authority to do. If we've, you
5 know --

6 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

7 The work plan budget that was presented earlier
8 follows the estimated revenue. We could go into that and
9 start working with those numbers.

10 I want to remind the Committee the Five-Year Plan
11 is to be updated every two years. So there will be
12 another opportunity to make adjustments to these numbers
13 in the spring probably of 2005 where we might have a
14 better idea of how much is actually in the reserve at that
15 time. So if you want to sort of take a prudent course and
16 have your projected budgets follow the revenue or follow
17 the existing expenditure authority, we can go either way.

18 BOARD MEMBER JONES: I think, Mr. Chair, for me
19 if we follow the revenue, we're safer.

20 CHAIRPERSON MEDINA: Okay. If I hear no other
21 suggestions on that --

22 BOARD MEMBER PAPARIAN: Mr. Chairman.

23 CHAIRPERSON MEDINA: Yes.

24 BOARD MEMBER PAPARIAN: I think we discussed this
25 in one of our workshops. I think it was the one in

1 Concord. I think we had a very good discussion about it,
2 and I think that at that time the general approach we were
3 going to take was to soften the reduction over several
4 years by using the amount of money that was, you know, in
5 the surplus account in the tire fund.

6 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

7 And that is how the Board's expenditure authority
8 stands at the moment. Without a specific action and
9 submittal of a BCP, that 31.8 expenditure authority, give
10 or take a little bit -- I think we do an automatic cost of
11 living adjustment. And T.J. can explain that if you'd
12 like.

13 The expenditure authority is set and will sort of
14 roll on forward at the same level unless we take an action
15 to change it. So we can start out with the interactive
16 tables and just keep to either scale, the staff proposal,
17 follow the revenue. We can start with that. If it's your
18 desire, we can expand it and add moneys in the 6-7 year to
19 match the 31.8 million level.

20 CHAIRPERSON MEDINA: Let's move forward along
21 that path and see how that works out.

22 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

23 Can you switch back?

24 Okay. One of the things we did in the earlier
25 workshops was define those essential core programs as

1 including the enforcement, cleanup, farm and ranch, hauler
2 manifest, administration, and mandatory contracts.

3 What you'll see in these outer years is that the
4 cleanup or remediation program element is going to be
5 dropping off somewhat. So staff is proposing that that
6 not be considered one of your core programs for the outer
7 years. Those numbers are going to change somewhat.

8 So if you were to look at the enforcement, farm
9 and ranch, hauler manifest, administration, and mandatory
10 contracts, that comes to -- oh, let's see. Roughly
11 \$12 million for those three years, just to let you know.
12 And then what we would be looking at today is the
13 remediation, research, and markets element, and we could
14 go through those in details.

15 Now, if that does not meet with the pleasure of
16 the Committee, we can go through each and every program
17 element.

18 CHAIRPERSON MEDINA: That would be remediation
19 and what else?

20 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

21 The three that will have the most moneys to
22 allocate to new or revised projects are cleanup, research,
23 and markets. Those three have the most variables in them.
24 The enforcement, farm and ranch, hauler manifest,
25 administration, and mandatory contracts are pretty much

1 set. But we are here. We can discuss them if you'd like
2 for the outer years 5-6 and on.

3 CHAIRPERSON MEDINA: Board members, are you in
4 agreement in regard to following that process? We'll
5 leave cleanup, research, markets up for discussion and
6 take the others off the table?

7 BOARD MEMBER JONES: Whatever you want.

8 BOARD MEMBER PAPARIAN: Mr. Chairman.

9 CHAIRPERSON MEDINA: And what about remediation?

10 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
11 Cleanup, remediation.

12 CHAIRPERSON MEDINA: Enforcement.

13 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
14 Enforcement, we can discuss that if you wish.

15 CHAIRPERSON MEDINA: Why don't we put enforcement
16 with cleanup, research, and markets.

17 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
18 Okay. We'll start with enforcement.

19 And Sally can switch to that first page.

20 BOARD MEMBER PAPARIAN: Mr. Chairman.

21 CHAIRPERSON MEDINA: Yes.

22 BOARD MEMBER PAPARIAN: If you're taking the
23 other ones off the table, just for the record, I was of
24 the belief that the foundation for those in the '03-'04
25 and '04-'05 years was deficient and then that deficiency

1 continues in the outer years. I recognize that I may be
2 in the minority on this Committee on that view, but I just
3 wanted to state that for the record.

4 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

5 I'm sorry. Which ones are deficient?

6 BOARD MEMBER PAPARIAN: The ones that you're
7 trying to take off the table for discussion.

8 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

9 Administration, mandatory contracts, hauler
10 manifest, and enforcement?

11 BOARD MEMBER PAPARIAN: Yes. I think there are
12 some issues there. But obviously other members of this
13 Committee don't share the belief that there are some
14 issues there.

15 CHAIRPERSON MEDINA: Why don't we take off the --
16 why don't we look at enforcement, cleanup, research,
17 market, and take the others off the table. Mandatory
18 contracts, administration, hauler manifest, farm and
19 ranch, take those off the table. And then we will look at
20 enforcement, cleanup, research, and markets.

21 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

22 Okay. We have the enforcement table showing
23 there on your screen. If you look at 5-6, there's a
24 proposed staffing level at 1,525,000, zero for the
25 California Highway Patrol Contract in that element, and

1 \$6 million for the local enforcement grants.

2 Any discussion or questions on those?

3 CHAIRPERSON MEDINA: Board members?

4 Board Member Paparian.

5 BOARD MEMBER PAPARIAN: Again, I don't want to
6 take too much of the Committee's time with this, but I
7 think that it would be worth -- before having a 50 percent
8 increase in one year to the next from '02-'03 to '03-'04
9 in the LEA enforcement grant line item that we take a look
10 at how the equivalent of 60 enforcement staff statewide is
11 going to be spent. Because \$6 million equates to the
12 equivalent of about 60 enforcement staff statewide, up
13 from about the equivalent -- up from 40 staff statewide.

14 Again, I realize the Committee didn't want to go
15 into this issue at the last meeting, so I'm talking about
16 the foundation for the out years. But I think it's an
17 issue that needs to be discussed at some point and I just
18 didn't have the opportunity to do it at the last meeting.

19 CHAIRPERSON MEDINA: Board Member Jones and then
20 Board Member Washington.

21 BOARD MEMBER JONES: Well, I guess I just have a
22 question.

23 CHAIRPERSON MEDINA: Yeah.

24 BOARD MEMBER JONES: Where I think we've got 40
25 or so today at \$4 million, and we were looking at

1 identifying 18 other key areas in the state that they're
2 going to solicit to try to get them to buy into this
3 program to start working, and that's where I think a lot
4 of this increase is coming from.

5 Is that right, Mr. Lee?

6 DEPUTY DIRECTOR LEE: That's exactly right,
7 Mr. Jones.

8 Our situation is that we've basically worked hard
9 at the Board's direction to bring additional local
10 jurisdictions in to perform these enforcement functions in
11 lieu of hiring a lot of additional State staff. We were
12 very successful this year, as we brought to the Board's
13 attention this month at the Board meeting, in
14 significantly ramping up that program. We still feel
15 there's much work to be done there, and we're at the
16 4 million level. We think to bring the additional
17 jurisdictions to the program we're looking at will clearly
18 take up the \$6 million.

19 Now, I have had some discussions with
20 Mr. Paparian and other Committee members with regards to
21 this item, and I share Mr. Paparian's concern or at least
22 his interest in taking a hard look at this line item in
23 substance in future years. And, indeed, we do have -- we
24 are putting in place a review in the program, you know, to
25 basically see and evaluate on a quarterly basis what these

1 local jurisdictions are doing relative to what they
2 promise to do, and, you know, with an eye looking at cost
3 savings that we might be able to bring out or efficiencies
4 that we might be able to bring out of each individual
5 jurisdiction in subsequent years.

6 But I think staff would have a -- would have some
7 severe reservations about precipitously dropping the
8 funding in the outer years because, you know, a lot of
9 people have signed on board, a lot of local jurisdictions
10 have signed on board with the expectation of this funding
11 level to be continued at a reasonable level in the outer
12 years.

13 So, again, from staff's perspective, this would
14 be an issue which we would be -- once we get some working
15 experience with how the local jurisdictions are doing, be
16 able to, you know, more accurately define what our dollar
17 needs are going to be when we do this in two years hence.

18 CHAIRPERSON MEDINA: Board Member Washington was
19 next.

20 BOARD MEMBER WASHINGTON: Yeah. I guess I just
21 had a question for Mr. Paparian in terms of his response
22 as to what the issue is.

23 And he's saying that we shouldn't fund 6 million
24 across the Board to '07-'08. And for what purposes?

25 BOARD MEMBER PAPARIAN: We funded 4 million this

1 year. We're having a 50 percent increase in a single
2 year. \$6 million buys you about 60 enforcement staff.
3 This would be the single largest single stream enforcement
4 program anywhere in CalEPA, and I think that what we ought
5 to do is slow down that rate of increase. Because a lot
6 of this stuff is for one-time purposes, and it's not for
7 the ultimate enforcement purposes. The ultimate
8 enforcement purposes were retained by our Legal Office. A
9 lot of it was, as I say, for one-time enforcement
10 purposes.

11 I recognize that some of the localities are
12 expecting a continuation of some of the funds. But I
13 think that we need to take a hard look now that we know
14 what this program is looking like, which we didn't know
15 when this plan was first put together two years ago. We
16 need to take a hard look at whether we're getting what we
17 want from this enforcement program and that we're getting
18 it at the levels we want, given the amount of money that's
19 being spent.

20 Now, recognize that I'm the one that hammers the
21 table on enforcement constantly. I think I at times annoy
22 other Board members by saying, "We need to do more
23 enforcement. We need to do more enforcement." And I
24 certainly believe we need to do more enforcement.

25 But, again, having the equivalent of 60 staff for

1 this aspect of the program seems to me like it might be
2 overkill. And by paring that back slightly -- certainly
3 not eliminating it, but by paring it back slightly, we
4 would have the funds available for some of the other key
5 provisions -- to implement the key 876 provisions, to
6 implement the Strategic Plan direction, and to implement
7 the environmental approaches prevalent elsewhere in the
8 Board.

9 BOARD MEMBER JONES: Mr. Medina.

10 CHAIRPERSON MEDINA: Board Member Jones.

11 BOARD MEMBER JONES: I mean, just local
12 enforcement was a key issue when we negotiated this bill
13 with the Legislature. It was made crystal clear that
14 we've got to get out into local governments and have them
15 do the enforcement statewide.

16 We've got 34 million tires in flow. We've got --
17 the reason this billing went through was because we had so
18 much illegal activity going on and two major environmental
19 disasters and two fires that we made a commitment as a
20 Board that the Legislature demand which was increased
21 activity on the local level. Even to the point that after
22 we've got these things put in place, it was a suggestion
23 that we actually look at a tip line for people that turned
24 in illegal activities to see if we couldn't put a reward
25 system together. We made sure that didn't get in the

1 bill, but that was considered as something we could look
2 at.

3 I think that clearly this whole system, this
4 bill, requires local enforcement both from illegal tire
5 dumping, which was prevalent through this whole state and
6 still is, and somebody that's going to be out checking
7 these manifests. They're going to be checking loads.
8 They're going to be pulling vehicles over. They're going
9 to be doing surveillance.

10 And I think that the 6 million was something we
11 had considered because we knew it would take a while to
12 ramp up. We don't have -- it's taken us a long time just
13 to get people to participate in this program. And they
14 only participate because this Board said there would be a
15 steady stream of funding. And the dollars that aren't
16 allocated -- I mean, the dollars that aren't actually
17 encumbered become dollars that can be reallocated on any
18 given year. And then we are going to have a better
19 chance.

20 But I think when we're looking at 19 more or 18
21 more jurisdictions that may come on board, they're going
22 to be coming on board in areas that we don't have anybody
23 doing that work. And I think we sell ourselves short not
24 to have that in place at least for a few years to see how
25 we're doing. It's what we promised the Legislature.

1 That's what we promised the Governor when we did this,
2 Mr. Chair.

3 CHAIRPERSON MEDINA: If there's one area that
4 this Board needs to be strong on, that's the area of
5 enforcement. Again, it's one area we really need to be
6 strong on, and that's the area of enforcement.

7 The reason I opened this up for discussion is
8 that I know that a Board member had expressed strong
9 opinions in regard to having a discussion around
10 enforcement and allocating dollars to this area. So I
11 opened this particular area up in the outer years for a
12 discussion just on the issue of enforcement.

13 But from my perspective, I think that what's
14 being recommended in the area of enforcement is justified,
15 given this Board's responsibility and, frankly, that we
16 haven't been able to cover as much ground in regard to
17 enforcement as we need to.

18 So do we have a motion in regard to the amounts
19 that are proposed for enforcement?

20 BOARD MEMBER JONES: For years -- we got to look
21 at this as 5-6, 6-7. I mean, are we doing a couple years
22 at a time, Mr. Chair? What do you want to do?

23 CHAIRPERSON MEDINA: We have three outer years.

24 BOARD MEMBER JONES: So do the three?

25 CHAIRPERSON MEDINA: Yes.

1 BOARD MEMBER JONES: Okay. Mr. Chairman, I'll
2 move adoption of this funding level for enforcement,
3 increasing it up to \$6 million a year -- well, actually
4 the package for 5-6, Fiscal Year 6-7, and Fiscal Year 7-8
5 as the staff proposal.

6 CHAIRPERSON MEDINA: Do I have a second on that?

7 BOARD MEMBER WASHINGTON: Yeah.

8 CHAIRPERSON MEDINA: I have a motion in regard to
9 accepting the dollar amounts. And is that for each year,
10 7,525- is that what we're looking at?

11 BOARD MEMBER JONES: Yes, Mr. Chair.

12 CHAIRPERSON MEDINA: Okay. So I have a motion
13 and a second that we approve 7 thousand, 525 thousand --

14 BOARD MEMBER WASHINGTON: That would be
15 7 million.

16 CHAIRPERSON MEDINA: 7,525,000 for '05-'06,
17 '06-'07, and '07-'08.

18 BOARD MEMBER JONES: Mr. Chair.

19 CHAIRPERSON MEDINA: Yeah.

20 BOARD MEMBER JONES: The staff proposals for 6-7
21 and 7-8 are 5 million 775, and then 3 million 977;
22 correct?

23 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

24 Sorry. That's the cleanup and remediation.

25 BOARD MEMBER JONES: I'm on the wrong page. I

1 apologize. They're all the same.

2 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

3 They're the same for the three outer years.

4 BOARD MEMBER JONES: That's fine. I move.

5 Sorry.

6 CHAIRPERSON MEDINA: It's been moved and

7 seconded.

8 Call the roll.

9 SECRETARY HARRIS: Jones?

10 BOARD MEMBER JONES: Aye.

11 SECRETARY HARRIS: Paparian?

12 BOARD MEMBER PAPARIAN: Mr. Chairman, again,
13 because this contributes a budget that avoids key 876
14 provisions, it avoids Strategic Plan direction, and it
15 avoids environmental approaches elsewhere in the Board,
16 I'm voting no.

17 SECRETARY HARRIS: Washington?

18 BOARD MEMBER WASHINGTON: Aye.

19 SECRETARY HARRIS: Medina?

20 CHAIRPERSON MEDINA: Aye.

21 Okay. Motion carries three to one.

22 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

23 The next one would be the cleanup, abatement, and
24 remedial action budget.

25 From the prior Committee workshops, this

1 spreadsheet shows proposed spending amounts. The staff
2 had proposed one change, and that was in the 5-6 year to
3 reduce the local government amnesty day grant program from
4 the proposed 750,000 to 500,000. And you will see in the
5 subsequent charge those moneys then roll over into
6 research and markets.

7 Part of the reasoning for that proposed change is
8 that we're slowly ramping up the participation, that there
9 seemed to be some other needs that were greater in the
10 other two categories.

11 CHAIRPERSON MEDINA: And so how much rolls over
12 to markets?

13 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
14 250,000 becomes available and is part of some of
15 the other proposed changes we'll be discussing later.

16 CHAIRPERSON MEDINA: Board Member Washington.

17 BOARD MEMBER WASHINGTON: So, Martha, why didn't
18 staff reduce '06-'07, '07-'08 for the same purposes or
19 same reasons?

20 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
21 We actually feel that there's going to be, if
22 anything, a surfeit, more money than necessary in those
23 outer years for cleanup. When the bill was being
24 negotiated and the 6.5 million cleanup minimum set, we,
25 you know, did not anticipate how quickly we were going to

1 move on some of the projects.

2 The Westley project is completed. The cost
3 recovery has been very successful. There has been quite a
4 bit in the way of settlement funds coming into the Board's
5 tire fund. We're just starting the Tracy site. And from
6 the other known illegal tire piles, we feel we have more
7 than enough money in the outer years on the cleanup
8 program.

9 And there might be -- particularly two years from
10 now, 2005, when you do the next revision, we might have
11 some stronger evidence as to why some of those dollars
12 might even be reduced somewhat further. I think a part of
13 it -- you know, this is obviously the staff's viewpoint.
14 But I think our enhanced enforcement program is going to
15 have more and more effect on the illegal disposal and
16 there will be fewer and fewer piles for us to clean up.

17 BOARD MEMBER JONES: Mr. Chair.

18 CHAIRPERSON MEDINA: Board Member Jones.

19 BOARD MEMBER JONES: Question to Martha. The
20 6 1/2 million that's in the bill that's mandatory for
21 cleanup goes through what year? I forget.

22 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

23 It goes through the 6-7 year. And if you'll
24 notice, we're a little short there. One of the things the
25 Board might wish to consider is a possible change in the

1 legislation to relieve us of that outer year requirement.
2 If, indeed, all the cleanups are going as we anticipate
3 and if we're on top of it the way we feel we will be, you
4 know, I would advocate that number be reduced.

5 BOARD MEMBER JONES: Okay. Yeah. I think,
6 Members, they wanted 10 million. And we really looked at
7 it and said we better put a number that we can feel a
8 little more comfortable with, and we got it down to 6.5.
9 And it looks like our staff and locals are doing a pretty
10 good job as well as this Board in knocking that down.

11 Mr. Chair.

12 CHAIRPERSON MEDINA: Board Member Jones.

13 BOARD MEMBER JONES: I don't know if there's
14 other questions. This looks reasonable to me for 5-6,
15 6-7, and 7-8, and it follows what we had planned pretty
16 closely. But I don't know if there's other questions. If
17 there aren't, I'll move. I don't think there are.

18 I'll move that we adopt the staff proposal for
19 years '05-'06, '06-'07, '07-'08 for cleanup, abatement,
20 and remedial action of this plan.

21 BOARD MEMBER WASHINGTON: Second.

22 CHAIRPERSON MEDINA: It's been moved and seconded
23 that we adopt the staff proposal in the area of cleanup,
24 abatement, and remedial action for '05-'06, '06-'07,
25 '07-'08 in the amounts of -- and what are those amounts

1 for the record?

2 BOARD MEMBER JONES: 7,725,000 for '05-'06;
3 5,775,000 for '06-'07; 3,977,000 for 7-8.

4 CHAIRPERSON MEDINA: Call the roll, please.

5 SECRETARY HARRIS: Jones?

6 BOARD MEMBER JONES: Aye.

7 SECRETARY HARRIS: Paparian?

8 BOARD MEMBER PAPARIAN: Ms. Chairman, again for
9 the 876 reasons and especially for the Strategic Plan
10 reasons and for the environmental approaches, I'm voting
11 no.

12 SECRETARY HARRIS: Washington?

13 BOARD MEMBER WASHINGTON: Aye.

14 SECRETARY HARRIS: Medina?

15 CHAIRPERSON MEDINA: Aye.

16 The motion passes by three to one.

17 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

18 The next element is the research element. Now,
19 the chart on the -- she's still working on that. Sorry.

20 CHAIRPERSON MEDINA: Are the screens not working?
21 Can we get the screens to work?

22 SECRETARY HARRIS: You would need to take a
23 ten-minute break.

24 BOARD MEMBER JONES: None of ours are working.

25 CHAIRPERSON MEDINA: We'll have to move forward

1 then. Do we have the relevant materials up there?

2 SECRETARY HARRIS: Yes.

3 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

4 There's the staff proposal which is what Board
5 Member Jones was reading from, the staff proposal
6 document, and we're trying to make the interactive
7 spreadsheet that's on the screen behind you catch up. I
8 didn't realize that you're own personal screens weren't
9 on. We're showing the research on the screen behind you.

10 The research plan on the screens behind you shows
11 zeros in the revised plan because we knew there would be
12 quite a bit of discussion on how the Committee wished to
13 allocate funds to these different elements. We can start
14 at the very top if you want and work our way down year by
15 year, or do you want to do it more in a grouping of cross
16 years?

17 If you'll notice, one of the things we are
18 proposing is that a staffing shift would be accomplished
19 in the outer two years. If fewer research projects are
20 funded, then one of the staff positions or two of them
21 might shift into the markets program. For instance, we're
22 proposing to move the civil engineering effort out of the
23 research phase and into the market development phase.
24 There would be a staff position shifting to show that
25 also. So that very first line item for the 5-6 year it

1 shows 457 for staff, but then in 6-7 and 7-8 it goes down
2 to 229,000.

3 CHAIRPERSON MEDINA: Okay. Any objections? Any
4 recommendations on that? If not, we'll go with the staff
5 recommendation.

6 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

7 Then the next item, the increased recycled
8 content in new tires. The staff proposal is to try and
9 fund this effort. It was funded in the 2-3 year. There's
10 another 100,000 being proposed in the 4-5 year that the
11 Committee voted on. So staff is proposing sort of like
12 alternate years, jumping ahead and making additional funds
13 available in the 6-7 Fiscal Year, but zeroing it for 5-6.
14 And that's based on the idea that we can do a sequential
15 like two-year contract or two-year grant efforts with that
16 program and just spread the money out.

17 Any discussion?

18 CHAIRPERSON MEDINA: No discussion. Then
19 we'll --

20 BOARD MEMBER PAPARIAN: Mr. Chairman.

21 CHAIRPERSON MEDINA: Yes, Board Member Paparian.

22 BOARD MEMBER PAPARIAN: This is an area where we
23 need a lot of vision in this plan. The state of North
24 Carolina has invested \$1.2 in recycled content tire work.
25 I think we could match or exceed that in California. I

1 think we can also do a whole lot more in the area of
2 product stewardship which encompasses a lot of these
3 items. So, you know, I think that the foundation for this
4 is inadequate in '03-'04 and '04-'05 and the continuance
5 is inadequate in the outer years.

6 BOARD MEMBER JONES: Can I ask a question,
7 Mr. Chair?

8 CHAIRPERSON MEDINA: Board Member Jones.

9 BOARD MEMBER JONES: I have no problem after we
10 get the report back on what is the recycled content in new
11 tires and what is -- you know, what are the impacts of
12 that.

13 What are you suggesting then for 5-6? Not a
14 million 2. I mean, we don't even have a plant here.
15 North Carolina, they actually have tire manufacturing
16 plants, I think. Don't they have a few?

17 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

18 Yes, they do.

19 BOARD MEMBER JONES: We don't have any in
20 California. So I'm wondering, you know, what the
21 appropriate level would be to basically advocate for
22 recycling content in tires on a national basis when we're
23 not going to impact anything within the state. How much
24 money should we put there?

25 BOARD MEMBER PAPARIAN: I take that as a

1 rhetorical question. I think you and I have had this
2 discussion.

3 BOARD MEMBER JONES: Actually, it's not
4 rhetorical. We have it and I'm trying to find out what
5 number you think makes sense.

6 BOARD MEMBER PAPARIAN: Mr. Jones, last time at
7 the last Committee meeting I proposed numbers. If fact, I
8 had six areas that were important to me, and I came out of
9 that meeting and I lost on ten items. That's not a very
10 good -- it's a negative percentage. So frankly -- and
11 then I come in this morning and find that another area, an
12 11th area, gets cut right off the bat. So, frankly, I'm
13 hesitant to throw numbers out there. I'm concerned you're
14 going to seek to take away even that 100,000 in '06-'07.
15 I think we need at least a half a million a year on this
16 item.

17 BOARD MEMBER JONES: Mr. Medina.

18 CHAIRPERSON MEDINA: Do we have a proposal?

19 BOARD MEMBER JONES: Yeah. I think we ought to
20 put -- I think in '05-'06 we'll have the results from our
21 recycling content in tires. I think we ought to put some
22 amount of money there. I'm not sure that -- well, we
23 ought to put some money there. I don't care if it's half
24 of a million, but I don't know what we're going get for
25 the half a million. But maybe we'll have time to figure

1 it out.

2 Maybe we ought to put half a million in to
3 increase the recycled content in year 5-6 and then
4 maybe -- the staff proposal shows 100,000 in 6-7. That's
5 probably appropriate if we're putting half a million in.
6 5-6 we should have results. In then 7-8 we ought to put
7 500,000 in to see if -- what's there. And if we're not
8 successful, we're going to be able to redo this plan in a
9 couple years anyway. That would make some sense.

10 CHAIRPERSON MEDINA: We can look at 500,000 for
11 those years. Again, my only concern in regard to the
12 whole issue of tires and looking at recycled content of
13 tires is what would that buy us? Because first we have to
14 convince tire manufacturers and the auto manufacturers to
15 provide data on their tires. And also they're in the best
16 position to tell us what the affects of recycled content
17 in tires would be. So we need something specific in
18 regard to recycled content in tires. That's just my
19 perspective.

20 I'd just like to see what 500,000 would buy us in
21 those years, even 100,000. I'm willing to look into some
22 money into that area just so that we can see what the
23 potential is there. But really I think the main
24 responsibility lies with the tire manufacturers and the
25 auto manufacturers, particularly since we don't

1 manufacture any tires in California.

2 We can pencil in your suggestion, Board Member
3 Jones, of 500,000 in '05-'06; 100,000 in '06-'07; and
4 500,000 in '07-'08. And then we'll have to come back and
5 make adjustments in regard to the remainder.

6 BOARD MEMBER JONES: Sure. Sure. Okay.

7 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

8 Okay. The next item showing up in those years,
9 there was pyrolysis, gasification, liquefaction, and the
10 energy recovery from tires program. At one point there
11 had been discussion of funding the pyrolysis at 500,000
12 for the '06-'07 year. I think that was the only pot of
13 money made available for those two programs in those two
14 years. Staff is recommending dropping that to make this
15 money available elsewhere.

16 Any comments?

17 The Committee has already approved some funding
18 for those activities in the 3-4 and 4-5 years. We
19 have \$300,000 each for the two years. That's total of
20 1.2 million for those activities.

21 CHAIRPERSON MEDINA: Is there a proposal on that?
22 If not, we'll go with the staff recommendation.

23 And your recommendation for the outer years is?

24 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

25 Is zero.

1 CHAIRPERSON MEDINA: Okay. Move on to the next
2 item.

3 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

4 Okay. The next item, civil engineering uses for
5 tires. That is something staff saw as shifting from a
6 research phase into more a market development phase. I
7 think we've had quite a bit of success in the research
8 program side of it and have moneys to continue to support
9 it through the 4-5 and 5-6 years. But what we would like
10 to see is a program possibly along a grant program to
11 local governments to actually use the materials and to put
12 that more in the market development phase.

13 So what we were proposing was to fund it at
14 250,000 in the 5-6 year -- well, I'm sorry. The Committee
15 had proposed funding it at 250,000 in the 5-6 year. Staff
16 is recommending zeroing that amount out and will be
17 shifting it to market. It's not like we're dropping the
18 effort.

19 CHAIRPERSON MEDINA: Any response to that, Board
20 members?

21 BOARD MEMBER JONES: That's fine.

22 CHAIRPERSON MEDINA: Okay. We'll go with staff
23 recommendation on that.

24 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

25 So that's zero for those three years?

1 CHAIRPERSON MEDINA: Yeah.

2 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

3 The next element is increased tire life span.
4 That's proposed for funding all the way across 200,000
5 each year for all the years. That will allow the Board to
6 participate in any program put together by the Energy
7 Commission in testing the lower rolling efficiency tires,
8 if necessary -- lower rolling resistance tires.

9 BOARD MEMBER JONES: Mr. Chair, question.

10 CHAIRPERSON MEDINA: Board Member Jones.

11 BOARD MEMBER JONES: Under this program too we
12 can do the proper care of tire brochures, those types of
13 things under this, couldn't we?

14 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

15 Possibly. In the markets element there are two
16 different projects; one is a survey effort, and the other
17 is the actual public service announcements. And once we
18 get the results from the existing survey, we were
19 anticipating folding those into some kind of public
20 outreach education, public service announcements.

21 The information from this program, you know --
22 depending upon how much we might need to work with the
23 Energy Commission itself, then the information from this
24 program could be even folded into those public service
25 announcements or this 200,000 could augment the public

1 service announcement. It sort of depends what the Energy
2 Commission needs are first.

3 And then as you'll see in the markets, there is a
4 proposal to do a follow-up survey to see what has changed
5 between the survey that's just been concluded and, you
6 know, our efforts for public education and try in a three-
7 or four-year period from now to do a follow-up survey.

8 BOARD MEMBER JONES: I think it ought to stay,
9 Mr. Chair. I think we ought to go with it.

10 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
11 The 200,000?

12 CHAIRPERSON MEDINA: Okay. 200,000 is before us.
13 I support that.

14 Board members, any comment on that?

15 We'll go with 200,000.

16 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

17 Then the next element was the fiber and steel
18 uses. This is the same philosophy behind the civil
19 engineering. There's a current contract under way whose
20 results will be available in May or June, and what we are
21 seeing is the need in the outer years when there's maybe a
22 little money available to do a market development effort
23 to see if we can attract a business into actually
24 recycling the fiber and steel that's the byproduct from
25 crumb rubber production. At this time those materials go

1 to landfills.

2 So while it shows here as a staff recommendation
3 zeroing out that \$250,000, we're also proposing increasing
4 money in the market development side.

5 CHAIRPERSON MEDINA: Very good. We'll go along
6 with that.

7 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

8 Okay. The recycled RAC is something that we'll
9 be handling through an interagency agreement with
10 Caltrans. Will be discussed a little later.

11 Let's see. Update report, that one was dropped.
12 Okay.

13 There's the next project in the 5-6 year is the
14 water quality and tire chips study. This is one we were
15 proposing, as the Committee did, to fund in 5-6 at the
16 500,000 level. That would look at whether or not there
17 are any long-term impacts from tire chips used in any
18 civil engineering application or any application where
19 they may come into contact with groundwater.

20 CHAIRPERSON MEDINA: So your recommendation is
21 500,000 for '05-'06?

22 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

23 Yeah. Which is what the Committee also last
24 recommended.

25 CHAIRPERSON MEDINA: Very good. If there's no

1 objections, we'll go with that one.

2 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

3 Okay. Next one. The Department of Health
4 Services and the Mosquito and Vector Control Association
5 of California had some proposals on funding activities.
6 Those were zeroed out for the 3-4 and 4-5 years.

7 The staff is proposing that we develop some kind
8 of relationship with them both as their ability to deal
9 with tires under the 500-tire pile size. At the moment
10 our authority is restricted to piles above 500 tires.
11 They could work with communities in cleaning up litter or
12 treating tire piles to not breed mosquitoes. So we're
13 proposing in the outer years to try to develop a
14 relationship there.

15 Any questions?

16 CHAIRPERSON MEDINA: So you're proposing 350,000?

17 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

18 350,000 in 5-6, 6-7, 7-8 to work with a
19 combination of the Department of Health Services and the
20 Mosquito and Vector Control Association to both treat tire
21 piles to prevent the breeding of mosquitoes and the
22 possible spread of West Nile Virus and to identify sites
23 where small piles exist and perhaps have them work with
24 communities to get them cleaned up.

25 CHAIRPERSON MEDINA: Are we fine with that, Board

1 members? Okay. No objections. We'll move -- we'll
2 accept that one.

3 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

4 Then the next element here is the third-party
5 peer review. \$75,000 was approved in 3-4 and 4-5, and
6 it's being proposed once again for the outer three years,
7 5-6, 6-7, and 7-8 at \$75,000 to have access to a group
8 entity individual who could review research reports coming
9 out of some of the Board's research projects.

10 CHAIRPERSON MEDINA: Okay. It will be 75,000 a
11 year for the three years. With no objections --

12 BOARD MEMBER JONES: Mr. Chair, can I ask a
13 question.

14 CHAIRPERSON MEDINA: Board Member Jones.

15 BOARD MEMBER JONES: Thank you, Mr. Chair.

16 This 75 grand, as we're starting to wind down a
17 little bit on research in these outer years, that need for
18 third-party peer review may end up diminishing. So that
19 allocation is for work performed. So every year it would
20 be if dollars weren't spent, it would be a reallocation
21 issue. But the dollars are there for peer review on any
22 given year; is that accurate?

23 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

24 I believe we can set it up that way. Once we've
25 determined and the Board's acted on whether it's

1 interagency or a contract, we can have them fund it up to
2 a certain amount and then only encumber those funds as we
3 need each year, as we've done with the remediation
4 contracts to give us some flexibility.

5 BOARD MEMBER JONES: We're not giving somebody
6 75 grands to be available. We're giving 75 grand for
7 actual work.

8 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

9 Yes. Payment for work done.

10 BOARD MEMBER JONES: That's fine then.

11 BOARD MEMBER WASHINGTON: Have you used all the
12 75,000 in previous years, or how much have you allocated?

13 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

14 We have not done this in this manner before. The
15 kinds of assistance we've had in reviewing reports have
16 often be done by other State agencies at no charge. But
17 it was also a very informal process where we bring in
18 people from OEHA or Toxics or Airborne to help us as we've
19 worked through these research efforts.

20 Okay. The last item really of significance here
21 was the Caltrans support which was only proposed for those
22 first two years, the 3-4 and 4-5 years. It's remotely
23 possible, if the Board is interested, we would want to
24 revisit that in outer years. But at this point I think
25 everyone's agreeing to just leave that at zero for now.

1 CHAIRPERSON MEDINA: That's fine.

2 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

3 Okay. Well, then that takes care of the
4 research, and it's -- what's the total there on 5-6?

5 CHAIRPERSON MEDINA: Board Member Washington.

6 BOARD MEMBER WASHINGTON: Yeah. I have a
7 question for Mr. Chairman. In terms of the -- I know that
8 at the last meeting we had -- we put in 150,000 for DGS.

9 And I received a letter that DGS cut the
10 Integrated Waste Board trade show from 100,000 to 5,000.
11 And I'm wondering, why is it we're giving them 150,000 and
12 they cut us from 100,000 to 5,000? Can staff answer that
13 or anybody know? They cut the recycling content trade
14 show from 100,000 to 5,000.

15 MS. JASHKE: Yes. Jo Ann Jashke with the Buy
16 Recycle Section.

17 In previous years Department of General Services
18 did contribute \$100,000 to our recycle product trade show.
19 This year they knocked it down to 5,000.

20 BOARD MEMBER WASHINGTON: So I'm asking, why are
21 we giving them 150,000 and they cut us to 5,000? I think
22 we should reduce their number to 5,000. And I'm not
23 kidding about that.

24 I mean, I think this is -- and we had closed on
25 '03. It's a one-time '03-'04. And I don't know if we

1 have to reopen it to do that or what you're suggesting,
2 Mr. Chair. But I see it as pretty lame for us to be
3 giving someone \$150,000, and they cut us from 100 to
4 5,000. Not 50,000. 5,000. So I don't know how you want
5 to deal with that, Mr. Chair, but I think it's an issue.

6 MS. JASHKE: That's correct. In our '03-'04 for
7 the trade show, it got cut down to 5,000. I think it was
8 proposed at 75,000.

9 BOARD MEMBER WASHINGTON: Correct. We can take
10 that money and give it to the trade show.

11 CHAIRPERSON MEDINA: I think that your
12 observation is very well taken, Board Member Washington.
13 I know that we're going to have until -- we're going to be
14 coming back on April the 1st to finish it.

15 Are we coming back until April the 1st to finish
16 anything?

17 DEPUTY DIRECTOR LEE: Only if we don't get
18 through the information today.

19 CHAIRPERSON MEDINA: Because if for some reason
20 we came back on April 1st or if we saw to it to come back
21 on April 1st, I think if we made your concern known and
22 that we were open to changing the amount of the
23 contribution, it would be better to have DGS sponsor the
24 trade show under their name with that amount of money. It
25 just looks bad for DGS to reduce their sponsorship.

1 I agree with you totally to reduce it, given the
2 importance of Department of General Services. They should
3 be setting an example for other State departments. Not a
4 bad example.

5 BOARD MEMBER WASHINGTON: And I guess that's why
6 I'm saying I'd rather reopen it and reduce this amount
7 back so we'd be clear.

8 CHAIRPERSON MEDINA: I'm open to your suggestion,
9 Board Member Washington.

10 Board Member Jones.

11 BOARD MEMBER JONES: I know our staff begged --

12 BOARD MEMBER WASHINGTON: And begged and begged.

13 BOARD MEMBER JONES: -- begged pretty hard to
14 keep that \$100,000 coming. I don't think I have a problem
15 with reopening that and yanking that money.

16 CHAIRPERSON MEDINA: Okay.

17 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

18 So you want to look at the 3-4 year to make
19 that --

20 BOARD MEMBER WASHINGTON: Yeah. Absolutely.

21 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

22 She's backing that up.

23 BOARD MEMBER JONES: Mr. Chair.

24 CHAIRPERSON MEDINA: Yes. Board Member Jones.

25 BOARD MEMBER JONES: I'd like to make a motion to

1 open up that revised '03-'04 plan under research to remove
2 that \$150,000 from State Consumer and DGS and reallocate
3 that money to tire RMDZ for that year or tire loans
4 because I think we cut tire loans and that will give us an
5 opportunity to help fund some in tires, make those dollars
6 available.

7 CHAIRPERSON MEDINA: Do you want to --

8 DEPUTY DIRECTOR LEE: Chairman Medina.

9 CHAIRPERSON MEDINA: Yes.

10 DEPUTY DIRECTOR LEE: One of the things the
11 Committee might want to consider is that in the interest
12 of trying to make some sacrifices to meet the budget,
13 again, we had zeroed out the moneys for the tire
14 conference which was held yearly. And this has been one
15 of our main venues for basically getting out information
16 on the program and receiving input from the stakeholders.
17 And so staff would like to suggest perhaps \$100,000 of
18 this money could be used again to provide money for a tire
19 conference in '03-'04.

20 BOARD MEMBER JONES: That'll work for me.

21 CHAIRPERSON MEDINA: Okay. So 100,000 to the
22 tire conference and 50,000 to the recycle trade show.

23 BOARD MEMBER JONES: Yeah.

24 BOARD MEMBER PAPARIAN: Quick question on that.

25 Are we then starting up sponsoring big

1 conferences again? I guess I ask executive staff that.

2 CHIEF DEPUTY DIRECTOR NUAMAN: Mr. Chairman,
3 Members, Julie Nauman.

4 The recycled content trade show, as you know, is
5 already scheduled. It's occurring in a couple weeks'
6 time. The staff still is looking at future plans for tire
7 conferences. We're being very sensitive to the planning
8 of those events and very concerned about cost as well as
9 venue. But until we know more about the state of our
10 budget, we're at least continuing in the planning process
11 and making minimal commitments until we do know the state
12 of our budget.

13 BOARD MEMBER JONES: Mr. Chair?

14 CHAIRPERSON MEDINA: Board Member Jones.

15 BOARD MEMBER JONES: Just a follow-up question on
16 that. The tire conferences, I mean, especially now that
17 we're increasing our enforcement are really going to be
18 used. Are they going to be used as the training ground
19 for a lot of these folks as well as the advocacy of all of
20 our market products and research and all that?

21 CHIEF DEPUTY DIRECTOR NUAMAN: Yeah. Staff can
22 fill you in on more details, but that would be our
23 expectation. Much like the LEA conference is seen as a
24 major training opportunity for our local partners in the
25 LEA program.

1 BOARD MEMBER JONES: Okay. That makes sense.

2 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

3 There is -- the currently scheduled tire
4 conference is being held here in Sacramento early part of
5 September. It's usually like a two-and-a-half day
6 conference. It tries to touch on all these aspects,
7 provide information to the enforcement program and any of
8 the local government entities who have participated in
9 that, as well as one of the grant-writing workshops is
10 going to be scheduled at the conference so local
11 government applicants, particularly those in Southern
12 California, can learn the appropriate way to write and
13 submit grants to this program.

14 If we were to fund this conference in the 3-4
15 Fiscal Year, then it would probably be held following a
16 year later. Takes about that long to do the contract and
17 schedule it. So in all likelihood it would be held in
18 2005. So hopefully by then some of the travel
19 restrictions might be slightly less. We would like to be
20 able to move these conferences around the state to reach
21 our, you know, stakeholders perhaps in Southern
22 California. But that can be decided at a later date if we
23 fund this item.

24 CHAIRPERSON MEDINA: I need a motion.

25 BOARD MEMBER JONES: Mr. Chair, in opening up

1 '03-'04 and reallocating the \$150,000 that have been
2 identified for State Consumer and DGS, reallocate that to
3 \$100,000 for the tire conference in '03-'04 and 50,000 to
4 the recycled product trade show.

5 BOARD MEMBER WASHINGTON: Second.

6 CHAIRPERSON MEDINA: Motion has been made and
7 seconded.

8 Call the roll.

9 SECRETARY HARRIS: Jones?

10 BOARD MEMBER JONES: Aye.

11 SECRETARY HARRIS: Paparian?

12 BOARD MEMBER PAPARIAN: For the reasons I stated
13 before, no.

14 SECRETARY HARRIS: Washington?

15 BOARD MEMBER WASHINGTON: Aye.

16 SECRETARY HARRIS: Medina?

17 CHAIRPERSON MEDINA: Aye.

18 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

19 I through oversight did not mention two elements
20 that I need to point out here in the research before you
21 act on the rest of the research budget.

22 There's a proposal in 5-6 for funding the tires
23 as a fuel supplement report. That got -- how did this go?
24 We had \$100,000 in 4-5 and somehow we left it in for 5-6,
25 but I believe that could be zeroed out there.

1 CHAIRPERSON MEDINA: Which one is that? Where is
2 that on the column?

3 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

4 It only shows up on the staff proposal. In
5 looking at it now, I'm realizing there's 100,000 put to
6 the 4-5 year. So I think this chart's okay. I just
7 wanted to make sure that that met with the Board's
8 approval.

9 BOARD MEMBER JONES: So that means zero 5-6?

10 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

11 Yeah. The 5-6 where it shows 100,000 for the
12 fuel supplement, it's in blue ink, I think that got
13 inadvertently carried over from the Committee.

14 CHAIRPERSON MEDINA: Right. I see that.

15 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

16 So that will drop automatically, which will help
17 with the 500,000 that we added up above, offset that.

18 And the other one is in 6-7. We were proposing
19 money to look at the recycled RAC -- not recycled, just
20 the rubberized asphalt concrete study. This is something
21 we've been talking about for a bit, doing a follow-up on
22 the study that's currently under way.

23 Last fiscal year there was \$600,000 given to the
24 Caltrans to do a comparison of the three rubberized
25 asphalt concrete technologies, the wet, the dry, and the

1 terminal blend. So they will be building those projects
2 in the coming year. And the interagency agreement will
3 have like a two-year life span.

4 What we want to do in a couple years down the
5 road after that is to go back and look at those segments
6 and do a follow-up study and see how they're performing.
7 So it's just phasing the funding for that monitoring out a
8 couple of years. That was the proposal, was to put in
9 about \$200,000 for that kind of testing and monitoring.

10 By funding it in 6-7 it can continue through the
11 2009 calendar year going back and studying those sites to
12 make sure they're not wearing out sooner.

13 CHAIRPERSON MEDINA: So the recommendation is
14 200,000 for the RAC study in '06-'07?

15 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
16 Correct.

17 CHAIRPERSON MEDINA: Board members, are we in
18 agreement with that?

19 BOARD MEMBER JONES: Mr. Chair?

20 CHAIRPERSON MEDINA: Board Member Jones.

21 BOARD MEMBER JONES: I think that -- I think on
22 the increased recycled content for new tires it looks like
23 we're funding -- you know, I had said 500,000. But I
24 don't know where that money's going to come from. I don't
25 know what members want to do, but I have no problem with

1 moving that 100,000 on the fuel supplement up to that line
2 item for '05-'06. That would keep the total of 1,682,000.
3 And then I would like to add the 100,000 in year 7-8, and
4 that would take that number to \$954,000, if everybody
5 agreed with all the other expenditures that year. That
6 would give us \$100,000 in 5-6, 6-7, and 7-8 for the work
7 on adding or working towards more recycled content in new
8 tires.

9 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

10 So it would be -- just so I get it right, 5-6
11 would be 500,000 for the recycled content and then --

12 BOARD MEMBER JONES: No. 100.

13 CHAIRPERSON MEDINA: 100,000 across.

14 BOARD MEMBER JONES: Trying to figure out how to
15 keep the numbers right.

16 CHAIRPERSON MEDINA: 100,000 across.

17 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

18 Across. Very good. Just because that was a
19 little confusing, should I read through the numbers again
20 so you can see what we got?

21 The research -- starting in 5-6 the research
22 staff would be 457,000; at the recycled content would be
23 100,000; increased life span, 200,000; water quality and
24 tire chips, 500,000; mosquito control and research,
25 350,000; third-party peer review, 75,000. That brings us

1 to 1.682 -- \$1,682,000.

2 For Fiscal Year 6-7 the research staff funding
3 drops to \$229,000. We would have increased recycle
4 content to 100,000; increased life span of 200,000; RAC
5 study follow-up at 200,000; mosquito control at 350,000;
6 and third-party peer review at 75,000. That would bring
7 us to a total of 1,154,000.

8 For Fiscal Year 7-8, the research staff would be
9 229,000; increased recycled content, 100,000; increased
10 life span, 200,000; mosquito vector control, 350,000; and
11 third-party peer review 75,000, for a total of 954,000.

12 Is that what the Committee is looking at?

13 CHAIRPERSON MEDINA: Yes. And can we have that
14 in the form of a motion, all of those so we capture all
15 three years and those dollar amounts?

16 BOARD MEMBER JONES: Mr. Chair, I'd like to move
17 adoption of the staff proposal for 5-6, 6-7, 7-8 to
18 include \$100,000 for increased recycled content in both
19 years '05-'06 and '07-'08 and to zero out the updated
20 report tires as fuel supplement and then accept the rest
21 of the staff proposal.

22 CHAIRPERSON MEDINA: Okay. There's a motion on
23 the floor. Do we have a second?

24 BOARD MEMBER WASHINGTON: Second.

25 CHAIRPERSON MEDINA: It's been moved and

1 seconded.

2 Call the roll, please.

3 SECRETARY HARRIS: Jones?

4 BOARD MEMBER JONES: Aye.

5 SECRETARY HARRIS: Paparian?

6 BOARD MEMBER PAPARIAN: No.

7 SECRETARY HARRIS: Washington?

8 BOARD MEMBER WASHINGTON: Aye.

9 SECRETARY HARRIS: Medina?

10 CHAIRPERSON MEDINA: Aye.

11 Okay. The motion carries by a three-to-one vote.

12 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

13 Okay. Market development.

14 CHAIRPERSON MEDINA: We're going to take a break

15 at 11:00. So before we go into market development, why

16 don't we take that break now.

17 (Thereupon a recess was taken.)

18 CHAIRPERSON MEDINA: This meeting is called back

19 to order.

20 Before we proceed with the remainder of the items

21 that we have to finalize in regard to markets, I wonder if

22 you could give us -- Ms. Gildart, if you could give us an

23 explanation on the tire brochures on that particular item.

24 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

25 Yes. Under the staff proposal here it looks like

1 we're zeroing out the line item that says tire care
2 brochure/survey. That is the title as it appears in the
3 Five-Year Plan currently, and we have not changed it to
4 reflect the action the Board took last year.

5 If you remember, the staff brought an interagency
6 agreement forward for approval to work with the California
7 State University at Chico to conduct a survey of the
8 California public to find out what do they know about tire
9 care and maintenance and use and collection and disposal
10 and recycling. And what staff had proposed was to link it
11 to that next 250,000, the public service announcement, so
12 we could roll out through Chico the same recommendations
13 that their survey developed.

14 And the Board questioned having that link. They
15 felt it was better to dissociate the two activities. And
16 we ended up augmenting the survey effort to put several
17 different languages into the contracts so that they are
18 conducting the survey in English and Spanish and Mong and
19 Russian. I think those are the main languages. And the
20 results of that survey are due in about -- is it in May or
21 June? I think it's coming in May. May. It will be
22 presented to the Committee and the Board in May.

23 Because of that dissociation of the survey effort
24 from the actual roll out of any kind of public education,
25 public service announcements, we feel the survey does not

1 need to be repeated annually. And staff had proposed
2 zeroing it out for the first few years and in this
3 instance showing it, I think, in the 6-7 year as sort of a
4 way to evaluate how successful our efforts have been.

5 In the mean time, the 250,000 for public service
6 announcements is the mechanism -- is the funding for the
7 mechanism to actually get our word out on the street,
8 whether it is through radio spots or TV spots or brochures
9 or whatever medium is recommended through the Chico
10 survey.

11 So I think there had been a little confusion
12 because we were not changing the titles as they stand in
13 the Five-Year Plan yet because we haven't gotten to text
14 revisions. The word brochure shows up there under tire
15 care brochure/survey. We're just seeing that now as a
16 survey. I just want to make that --

17 CHAIRPERSON MEDINA: Basically what we're cutting
18 out was the survey and --

19 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

20 Right.

21 CHAIRPERSON MEDINA: And brochures can be done
22 under public service announcement?

23 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

24 Correct. Correct.

25 BOARD MEMBER PAPARIAN: Mr. Chairman, I don't

1 want to belabor it, but what we're cutting out is product
2 stewardship, and that's unfortunate.

3 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

4 So do we want to go through the market
5 development activities list at this point?

6 CHAIRPERSON MEDINA: No. Just respond to how
7 we're cutting out product stewardship by cutting out an
8 annual survey that doesn't need to be done every single
9 year.

10 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

11 I guess I'm not aware of a product stewardship
12 item.

13 Which item is it you're referring to?

14 CHAIRPERSON MEDINA: The tire brochure.

15 BOARD MEMBER PAPARIAN: I think there's been a
16 fundamental disconnect between myself and the staff over
17 product-stewardship-related issues related to the tire
18 program. I don't think it's worth the Committee's time to
19 belabor it right now.

20 I think the staff recognizes I've been bringing
21 up product stewardship as an issue fairly consistently
22 since I've been on the Board. And we just, you know,
23 fundamentally don't agree on what that is or how it might
24 apply to the tire program. And again, I don't want to
25 take the Committee's time today belaboring it. I think

1 the Committee's actions speak for themselves.

2 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

3 Is there a wish to augment the public service
4 announcement line item to reflect product stewardship?

5 BOARD MEMBER JONES: Mr. Chair.

6 CHAIRPERSON MEDINA: Yes, Board Member Jones.

7 BOARD MEMBER JONES: Yeah. I kind of -- I need
8 to take a little bit of exception here. You know, I think
9 that if we're going to be putting money into the brochures
10 and into the public service announcements on proper care
11 of tires, that's clearly what the mandate and what the
12 goal was of the Board.

13 I think that, you know, if you've got something
14 you want to share with us, Mr. Paparian, you ought to do
15 it instead of lobbing hand grenades. I tell you the
16 truth. I resent that I'm the only one -- I mean
17 that you're singling out you're the only one that's got
18 environmental ethic on this Board by these actions.
19 That's nice to say, but, you know, as one of the ones that
20 helped design this bill, helped design the Strategic Plan,
21 and got accused of being the environmental seat for the
22 last six years, I kind of take exception to that.

23 So if we're missing something with product
24 stewardship on taking a survey every year, you need share
25 that with us.

1 BOARD MEMBER PAPARIAN: Again, this is the
2 overall budget of which this is a component. And I think,
3 you know, we had these discussions at our workshops. I
4 think you and I were together at all the workshops. You
5 know, if the Committee wants to bring forward an item on
6 product stewardship and tires, I'd be very happy to see
7 that happen. But I think the direction of this budget
8 leads us away from 876 provisions, away from the Strategic
9 Plan, and away from the environmental approaches of the
10 Board.

11 CHAIRPERSON MEDINA: Well, I for one am prepared
12 to make a response to that in due time. You know, I don't
13 share that opinion that this does all those things.

14 And with that, I'd just like to move ahead and
15 complete our mission here today.

16 Ms. Gildart, take us through the remainder of
17 market development and new technology activities.

18 BOARD MEMBER WASHINGTON: Mr. Chair.

19 CHAIRPERSON MEDINA: Yes, Board Member
20 Washington.

21 BOARD MEMBER WASHINGTON: Let's do this, and that
22 way I won't have to interrupt Martha again.

23 We took the 150,000 from the consumer DGS funds
24 and we put 100,000 in tire recycling conference, which
25 would make it 200,000. And we put 50,000 by recycle

1 conference. The buy recycle conference, they need 75.

2 Now we have 100,000. Is that correct?

3 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

4 Correct.

5 BOARD MEMBER WASHINGTON: What I would like to

6 do, Mr. Chair, is reduce the 100,000 to 80,000 and put

7 20,000 into the CalMAX and WRAP program, if that's okay.

8 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

9 So that would be a total of 80,000 for the

10 conference and 40,000 for the CalMAX.

11 BOARD MEMBER WASHINGTON: For the CalMAX WRAP

12 program.

13 CHAIRPERSON MEDINA: I have no problem with that.

14 You want to make that in the form of the motion?

15 BOARD MEMBER WASHINGTON: Sure. I move that we

16 reduce the buy recycle conference of 100,000 to 80,000 and

17 add 20,000 to the CalMAX WRAP program.

18 BOARD MEMBER JONES: I'd second.

19 CHAIRPERSON MEDINA: Okay. Motion has been made

20 and seconded.

21 Call the roll on that.

22 SECRETARY HARRIS: Jones?

23 BOARD MEMBER JONES: Aye.

24 SECRETARY HARRIS: Paparian?

25 BOARD MEMBER PAPARIAN: Abstain.

1 SECRETARY HARRIS: Washington?

2 BOARD MEMBER WASHINGTON: Aye.

3 SECRETARY HARRIS: Medina?

4 CHAIRPERSON MEDINA: Aye.

5 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

6 Then to start with the Fiscal Year 5-6, this is
7 where we're going to be showing the shift from the
8 research efforts to the market efforts. Market
9 development staff has proposed about 524,000 for 5-6, but
10 it will increase in 6-7 and 7-8 to 753,000.

11 We are proposing to fund the tire recycling
12 conference at 100,000 out of '05-'06 fiscal year dollars,
13 meaning that the conference itself is likely to have been
14 held in 2007. It takes that long to get it done.

15 The staff had proposed not funding the survey
16 effort for 5-6, instead funding it in 6-7 to give us three
17 years under our belt under whatever program we get going
18 based on results of the current survey.

19 The funding level for public service announcement
20 is proposed at 250,000 for those three years. No change
21 there.

22 The civil engineering uses, the Committee had
23 approved the 500,000 funding for 4-5 and had indicated
24 1.5 million for 5-6. Staff here is proposing reducing
25 that to a lesser increase to \$1 million for each of those

1 three years. And that would most likely be a kind of
2 grant program with local governments for them to get
3 involved in the civil engineering uses of tire shreds.

4 Any questions?

5 Okay. Then the staff is proposing funding the
6 playground cover grants at 800,000. That would be
7 straight across all five years carrying out what the
8 Committee had approved for 3-4 and 4-5.

9 The track and other recreational surfacing --
10 once again to try and meet the budget demands for the 5-6
11 years, the Committee had approved 1 million, but staff
12 is reducing that just to \$800,000 and to increase to
13 1 million in 6-7, 7-8 year.

14 Product commercialization grants had been reduced
15 to 1.6 million by the Committee for 3-4 and 4-5, and
16 indicated at the 2 million level for the 5-6 and 6-7 and
17 7-8 years. Staff was once again proposing a slight
18 reduction in that last year. Partly was to meet some
19 other budget issues.

20 At some point I think the Board might want to
21 start discussing whether any of these grant programs, you
22 know, would eventually be phased out as having fulfilled
23 their purpose. But at the moment we've got them all
24 funded through all the years here.

25 The green building. Once again, Committee had

1 approved 300,000 for 3-4 and 4-5, indicating perhaps
2 500,000 for the out year. Staff is splitting the
3 difference and proposing funding that at 400,000 for 5-6,
4 6-7, and 7-8.

5 Rubberized asphalt concrete technology centers,
6 those are staying at the 600,000 level the Committee had
7 approved for the 4-5 year. And we're just continuing it
8 on across.

9 BOARD MEMBER JONES: Mr. Chair.

10 CHAIRPERSON MEDINA: Board Member Jones.

11 BOARD MEMBER JONES: Question on the rubberized
12 asphalt technology centers. Part of that 600,000 that
13 we're allocating, is any reimbursement to local
14 jurisdictions that go through the center for both the
15 testing of the infrastructure that the asphalt's going to
16 go down on? I know we had that in the program. So that
17 gets funded out of the 600,000 as well; right?

18 And the -- I think it's a buck a ton or whatever
19 it is for making sure that somebody's at the plant, that
20 materials are being delivered at the right temperatures,
21 or the person that offers the quality control stuff --
22 those were two things that were put in about three or four
23 years ago. I just want to make sure that both of those
24 still get reimbursement out of this fund.

25 /////

1 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

2 I believe it would be possible, but we might need
3 a legal opinion as to whether the Kuehl Bill supercedes
4 that effort.

5 BOARD MEMBER JONES: That was one of my
6 questions. These people are going to be a lot busier.

7 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

8 Yes.

9 BOARD MEMBER JONES: Some of the dollars we've
10 approved in previous years where they can get recouped had
11 been paid for through the tech centers. And now with the
12 Kuehl Bill, there's going to be a lot more activity. So
13 maybe they're going to have to get funding both out of the
14 Kuehl and out of, you know, the tech. I don't know how
15 we're going to deal with that. But I think it's going to
16 get used quite a bit.

17 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

18 Yes. We're certainly hoping to use the
19 technology centers to review some of the Kuehl
20 applications to make sure that the projects being proposed
21 are being properly designed in a good site selection.

22 BOARD MEMBER JONES: Okay. I think all the
23 members know, we put money aside that if a local
24 jurisdiction tested existing ground and it was suitable
25 for RAC, that they could recover some of that testing

1 money through our tech center. And that was to help push
2 along that effort of getting rubber on good ground.

3 I guess we're not precluded if there's a lot of
4 activity that that would be an acceptable expense under
5 the Kuehl Bill because it is part of, I mean -- testing
6 the ground and making sure that the material goes on is
7 part of any rubberized product.

8 But we're going to end up with -- you know, we
9 may have to use some of the money out of here and some of
10 the money out of the others. Or maybe they're going to
11 eat up \$600,000 worth of staff running around trying to
12 get all of this work done. I guess it doesn't matter
13 either way. But I thought we ought to bring it out for
14 discussion.

15 Kathryn, is there an issue either way where they
16 get that -- follow the Board's policy on that?

17 CHIEF COUNSEL TOBIAS: I would have to look at
18 the actual language of that Kuehl Bill. Every time we
19 look at it -- you know, it's something that I need to look
20 at again. So I can certainly do that. But I'm not sure
21 at the moment.

22 BOARD MEMBER JONES: Okay. Mr. Chair.

23 CHAIRPERSON MEDINA: Board Member Jones.

24 BOARD MEMBER JONES: I think depending upon if we
25 get any information that's different, we may just have to

1 look at this as an area that may be impacted pretty
2 heavily with that activity. That's all. I'm fine with it
3 as it is, but it may be something that gets hit hard.

4 CHAIRPERSON MEDINA: Very good.

5 BOARD MEMBER JONES: Thank you.

6 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

7 We'll work with the Legal Office on that.

8 RMDZ loan, in the 3-4 and 4-5 years the Committee
9 had approved the 1.6 million funding. Once again to try
10 and spread the moneys around here and make them available
11 for a variety of purposes, staff here is proposing funding
12 them about 1.5 million for 5-6 and 6-7 and then in Fiscal
13 Year 7-8 dropping that to about a million.

14 Part of that is based on the feeling that the
15 tire industry is not a very large population of the state
16 and that we may be working our way through eligible
17 applicants for loans by that time, and the program may not
18 need such a high funding level as originally visioned.
19 That's certainly something I think that needs to be
20 reassessed at the next revision of the Five-Year Plan to
21 see just what remaining demand is out there by entities in
22 the tire industry that can actually handle a loan.

23 CHAIRPERSON MEDINA: Yeah. Board Member
24 Washington.

25 BOARD MEMBER WASHINGTON: Martha, last year did

1 you guys have to ask for additional reallocation for the
2 program?

3 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

4 There's been a very mixed history on loans to the
5 tire industry. I think some of that is due to how new a
6 lot of the tire recycling businesses are.

7 The first two loans this Board made for tire
8 recycling had to be terminated for nonperformance. And,
9 indeed, I believe we got something like 80 cents on the
10 dollar back. Those were the Tygon and Parco loans.

11 I think what's been done in the last year, year
12 and a half is much better. I think there's a been good
13 evaluation of the projects. I think we've seen some very
14 good projects coming forward. And, yes, in that first
15 year we needed some additional moneys.

16 I understand we've got some last-minute
17 applications coming in to the loan program for this year.
18 But the Board's approved something like 1.7 million out of
19 the 2 available for Fiscal Year 2-3, and there's a couple
20 applications in. The question is whether or not they'll
21 be through the whole review before the May reallocation
22 item. But we'll see. They may be there.

23 I'm just looking at that history of how many
24 entities are out there working with tires and how many of
25 them are likely to have the financial ability to repay a

1 loan. And it seems to me at some point that might be
2 dropping off in the future.

3 BOARD MEMBER WASHINGTON: And I guess I just
4 raise a concern. I understand that the League of Cities
5 and the County -- and I'm drawing a blank for a minute --
6 the organization on the statewide level are discussing the
7 use of this program for this loan. And I'm not so sure if
8 we want to be in a position of not having the resources
9 available, rather than coming back and asking for
10 reallocation of the money because somebody put the word
11 out, such as Contra Costa, one of those guys that love
12 this program and thinks it does an excellent job and other
13 counties might want to try it, and we don't have the
14 resources there for them to do it. That's why I raised
15 it, just to see if that's the direction that the Committee
16 wants to go in and certainly the staff recommendation on
17 that.

18 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

19 Maybe we can work with the loan program in trying
20 to try to do an assessment of what's out there.

21 I'm remembering some of the controversy that was
22 brought up during the commercialization grant award where
23 a lot of the entities were working with our brand-knew
24 businesses. In fact, before they even apply for the
25 grants, they may not have a facility or anything. They're

1 new. They got a concept. They see our grant program.
2 They talked to some folks in the industry, they want to
3 move forward and develop a new business. It's been very
4 controversial trying to get those businesses going.

5 I think our grant program has helped tremendously
6 in getting them started. And there is a lot of -- I don't
7 know -- limping, if you will, in those initial years. I'm
8 not sure if any of those entities could carry the weight
9 of a loan. And maybe this is where we need to do a little
10 more financial analysis of the industry as a whole to see
11 exactly what the split should be between commercialization
12 grants and the RMDZ loans. Maybe it should be flip
13 flopped. Maybe we need less money for grants and more for
14 loans if we think that industry is strong.

15 BOARD MEMBER WASHINGTON: This is just one those
16 situations where I think I'd rather be safe than sorry
17 type of situation. So, I mean, has nothing to do with all
18 of the mechanisms that goes along with it, all the
19 intrical workings of making it happen. I just think that
20 I'd rather have the resources available rather than having
21 to come back and say, "Gosh, you know what? We called
22 that one wrong. And we should have probably left it at
23 400,00 in here."

24 To me it's not a lot of money to leave in there
25 for this program, especially when you have these two

1 entities. I'm very concerned when you've got the League
2 of Cities and county statewide organizations starting to
3 get involved with this type of program for this type of
4 loan. Then you reduce the money and you have a plethora
5 of people -- of agencies out there applying for the
6 resources and we can't do anything about it. Then we have
7 to try to come back and try to fix the situation. So I
8 just want to raise that concern.

9 But that's -- I mean, I rather see it stay at the
10 2 million. And that's just, you know, whatever the
11 Committee wants to do with it in the outer years of
12 '06-'07, '07-'08 and put it at -- and leave it at the
13 staff recommendation of 1.5 million in '05-'06. I just
14 know that the issues are going to start really ramping up.
15 And I think we should just be prepared to deal with it
16 so --

17 CHAIRPERSON MEDINA: Points well taken.

18 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

19 Then is there a proposed amount to fund that?
20 2 million for the 5-6 year?

21 BOARD MEMBER WASHINGTON: Yeah. I say leave it
22 at the 2 million for 5-6 and across. And then you can --
23 even with '06-'07 you'll probably have a chance to see if
24 those organization's really blow up into really going
25 after the resources and leave it at the 1.5 million. It

1 don't matter to me. I just know if they're talking about
2 it, now we should be prepared to deal with it.

3 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

4 Okay.

5 BOARD MEMBER JONES: Mr. Chair.

6 CHAIRPERSON MEDINA: Did you have a comment to
7 make, Mr. Paparian?

8 BOARD MEMBER PAPARIAN: Yeah. Just briefly. In
9 fact, in the balanced budget proposal I had last time I
10 didn't get a chance to present, I had it going up to as
11 much as \$2.3 million. I agree with you this is an
12 important area.

13 The other point I wanted to make is Ms. Gildart
14 has raised the question about whether it's -- you know,
15 whether over time it really makes sense to continue this
16 program. Those are the kinds of questions that I think
17 are important to ask, and those are the kinds of questions
18 that if we had money for program evaluation we could try
19 to answer in a more methodical way. But again, we don't
20 have money for program evaluation in here.

21 CHAIRPERSON MEDINA: Board Member Jones.

22 BOARD MEMBER JONES: Thanks, Mr. Chair. I would
23 agree with Mr. Washington. My evaluation would be that
24 the more money we can put into the loans, the better we're
25 off.

1 Having scored some of these commercialization
2 grants, there's a real tenancy by people to look --
3 they're starting to look towards the rubber side of this
4 in water quality issues with storm water runoff. There's
5 three or four entities out there that are trying to figure
6 out how to use some of the rubber products to help in that
7 storm water filtration system, which is on every city's
8 radar screen. And they're just not at the point where you
9 can commercialize it, but they're getting closer.

10 So I think not only grants, but those loans are
11 going to be necessary. And that's going to help us on our
12 water quality issues, as well as getting rid of the tire
13 product. So I think that makes sense to keep the number
14 up around 2 million.

15 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

16 Would that be a local government effort?

17 BOARD MEMBER JONES: No. These were
18 commercialization grants that had ideas on making products
19 that could be sold to local governments for filtration for
20 rain water runoff through the storm drain systems to clean
21 it up before it hit the waterways. They're a ways away
22 from being commercialized.

23 But in these out years if they do become
24 commercialized, they're going to be looking for sources of
25 money, and both grants and loans are going to make the

1 most sense for them probably. We probably ought to leave
2 it.

3 CHAIRPERSON MEDINA: Following Board Member
4 Washington's recommendation for '05-'06, let's raise that
5 amount to 2 million.

6 And, Martha, if you could take us quickly through
7 the remainder of these items. I would like to open up to
8 public comment before we go to lunch. So then when we
9 return in the afternoon we can work on the text of the
10 Five-Year Plan and the performance measures.

11 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

12 So that's 2 million for all three years or just
13 5-6 and 6-7? All three?

14 CHAIRPERSON MEDINA: Board Member Washington.

15 BOARD MEMBER WASHINGTON: All three years.

16 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

17 We will have to reduce some other part of the
18 budget then to meet the total. So keep that in mind as we
19 work our way through here.

20 State agency purchase and development. In fact,
21 this could tie in if State agencies bought some of the
22 storm water runoff treatment systems. Staff is proposing
23 to increase that funding to 400,000 for those last three
24 years.

25 Buy recycle conference at the \$75,000 level

1 requested by the markets division.

2 And CalMAX and WRAP are at 33,000 for all three
3 years.

4 The tire database was just those first two years.
5 That's something we need to get up and running. There's
6 no moneys required in this out year.

7 The buy recycled certification audit is continued
8 at the 50,000 across. This is where we thought we'd see
9 if there was some entity we could attract in the 5-6
10 Fiscal Year to look at the recycling of the fiber or the
11 steel belts from the crumb rubber production. Staff
12 proposed \$400,000 there.

13 Now at the current level we're going to be a bit
14 over the budget. So we're open for proposals on where to
15 reduce. Perhaps the commercialization grants. If we want
16 to shift toward making loans, maybe we reduce the
17 commercialization grants.

18 BOARD MEMBER JONES: Yeah. Mr. Chair.

19 CHAIRPERSON MEDINA: Board Member Jones.

20 BOARD MEMBER JONES: The commercialization grants
21 are the only thing that puts money out into the industry.
22 But we've had a successful program for quite a few years.
23 And I think all of our efforts in doing playgrounds and
24 RAC and all those other things are really driving the
25 expansion of that industry. So I'd suggest that we could

1 take a half a million dollars out of '05-'06 and '06 --
2 yeah. I wrote over '06-'07. What was it? What had it
3 been? A million?

4 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

5 5-6 and 6-7 were both \$2 million. So we could
6 reduce them to 1.5 million to make up for the increase in
7 the loan.

8 BOARD MEMBER JONES: Mr. Chair, I think that
9 makes sense.

10 CHAIRPERSON MEDINA: Very good. Let's do that.

11 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

12 That does leave us a little short on the very
13 last year, 7-8, because the commercialization grants were
14 already down at 1.6 million.

15 BOARD MEMBER JONES: Mr. Chair, how about if we
16 take commercialization grants for 7-8 and make them
17 1.1 million.

18 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

19 Okay.

20 BOARD MEMBER JONES: Does that work for you?

21 CHAIRPERSON MEDINA: Yes.

22 BOARD MEMBER JONES: Mr. Chair.

23 CHAIRPERSON MEDINA: Board Member Jones.

24 BOARD MEMBER JONES: I want to make a motion
25 to -- on our market development and technology activities

1 to accept the staff proposal with these changes, that
2 under product commercialization in '05-'06, '06-'07 we
3 fund those at 1.5 million, in '07-'08 we fund at 1.1
4 million. And that for RMDZ loans we increase that to have
5 available for those loans 2 million in each of the three
6 years. And leave everything else as the staff proposed.

7 CHAIRPERSON MEDINA: Very good. We have a
8 motion.

9 BOARD MEMBER WASHINGTON: Second.

10 CHAIRPERSON MEDINA: Motion has been seconded
11 with the changes that were proposed.

12 Call the roll, please.

13 SECRETARY HARRIS: Jones?

14 BOARD MEMBER JONES: Aye.

15 SECRETARY HARRIS: Washington?

16 BOARD MEMBER WASHINGTON: Aye.

17 SECRETARY HARRIS: Paparian?

18 BOARD MEMBER PAPARIAN: Mr. Chairman, for the
19 reasons I stated before, I have to vote no.

20 SECRETARY HARRIS: Medina?

21 CHAIRPERSON MEDINA: Aye.

22 Motion carries three to one. So market
23 development and new technology is done. And with that,
24 have we covered all of the budget items? If so, we'll
25 move on to public comment. And we will recess at

1 12:00 o'clock.

2 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

3 If we could just switch to the totals, the
4 spreadsheet that shows the program totals. Let's just
5 check that we're on budget here.

6 CHAIRPERSON MEDINA: Okay.

7 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

8 If I'm reading those numbers correctly, Fiscal
9 Year for 5-6 is adding up to 30,369,000. So there's
10 actually about a-million-five, million-four the Committee
11 has cut. The 6-7 year comes to the 27,660,000, and the
12 7-8 year comes to 25,387,000.

13 That last year we're a little bit over, but we
14 are projecting as expenditure authority. But because of
15 all the uncertainties there, do you want to try and get it
16 to match the revenue or just --

17 CHAIRPERSON MEDINA: Can you go over those three
18 years again? Where are we on '05-'06?

19 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

20 If you look at the total for '05-'06, that comes
21 to 30,369,000.

22 CHAIRPERSON MEDINA: And '06-'07?

23 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

24 '06-'07 is the 27,660,000. Oh, that's it. Okay.
25 I'm sorry. Sally doesn't have the RAC.

1 No. It's on the total page. You have to show it
2 on the total page, Sally.

3 MS. FRENCH: These are linked. What are the
4 amounts?

5 DEPUTY DIRECTOR LEE: It will be 16 percent of
6 whatever the market development number was.

7 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

8 I believe it's 1.4 million. I don't think we
9 changed the total there. It should be 1.4 million. And
10 then we don't need to do the RAC grants in the last
11 two years. Yeah. That looks better.

12 So that shows the Kuehl RAC program 1.1 and 1.2
13 the Committee acted for the 3-4, 4-5 years. The Kuehl
14 Bill terminates or sunsets in the end of the 5-6 Fiscal
15 Year. That's why there's no RAC grants showing out for
16 the last two years.

17 Market development total is 8932. It should be
18 1,429,000 for 5-6 year. So is that --

19 MS. FRENCH: 1.429.

20 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

21 Not 4-5. 5-6. Sorry. The revised plan 5-6,
22 1,429,000, if you want to be that accurate.

23 So now the 6-7 is -- let me -- that's 146. One
24 million -- Sally, you're off a fiscal year. We're not
25 doing 6-7.

1 So if we go back to that total page now. So now
2 that's showing us for the Fiscal Year 5-6 we're at
3 31,798,000, which I think comes right up to the
4 expenditure authority. And the 6-7 years and 7-8 stay the
5 same.

6 So does that meet the Committee's pleasure? Any
7 questions?

8 That last year is a bit uncertain. We're showing
9 ourselves as a million dollars or so over the projected
10 revenues, but I do admit that's an estimate for that
11 revenue. Do we want to try and delete a million dollars
12 from the program or deal with that in the next revision of
13 the Five-Year Plan?

14 CHAIRPERSON MEDINA: My preference would be to
15 deal with that next revision of the Five-Year Plan. Why
16 don't we move forward and adopt?

17 BOARD MEMBER JONES: Mr. Chair.

18 CHAIRPERSON MEDINA: Yes, Board Member Jones.

19 BOARD MEMBER JONES: I move that we adopt this
20 proposed budget for the tire program through -- I guess
21 from '03 -- well, we've already done '03-'04. So for
22 years '05-'06, '06-'07, '07-'08.

23 BOARD MEMBER WASHINGTON: Second.

24 CHAIRPERSON MEDINA: It's been moved and seconded
25 that we adopt the budget for years '05-'06, '06-'07,

1 '07-'08.

2 Call the roll.

3 SECRETARY HARRIS: Jones?

4 BOARD MEMBER JONES: Aye.

5 SECRETARY HARRIS: Paparian?

6 BOARD MEMBER PAPARIAN: Mr. Chairman, again

7 you've got 876 problems. You've got Strategic Plan

8 problems. And you've got environmental problems with this

9 budget as proposed. I have to vote no.

10 SECRETARY HARRIS: Washington?

11 BOARD MEMBER WASHINGTON: Aye.

12 SECRETARY HARRIS: Medina?

13 CHAIRPERSON MEDINA: Aye.

14 Well, that concludes the budget portion of this.

15 Next we will do the text.

16 DEPUTY DIRECTOR LEE: Chairman Medina, what we'd

17 like to do again is start with the discussion of the

18 baseline '01-'02 study that discuss the performance

19 measures. And the discussion on the performance measures

20 themselves will come when we do the page-by-page text

21 revision. So, again, the first presentation will be just

22 on the appendix, the Fiscal Year '01-'02 baseline study.

23 CHAIRPERSON MEDINA: Very good. I have no

24 speaker slips up here. Is there anyone that wishes to

25 speak before we adjourn? Just one speaker slip.

1 Michael Blumenthal.

2 MR. BLUMENTHAL: Mr. Chairman, members of the
3 Board, I hadn't planned on addressing anything to the
4 budget that's already been approved. I was going to make
5 a comment based on discussion this afternoon. I reserve
6 the right to make any comments then. Thank you.

7 CHAIRPERSON MEDINA: Thank you.

8 I want to thank staff and the Board members for
9 helping to put together this revised budget for the
10 Five-Year Tire Plan. In my opinion -- and this is just my
11 humble opinion, it's in line with the Strategic Plans. It
12 fulfills the requirements of Senate Bill 876. And there
13 are many things that we have done today that are
14 beneficial to the environment.

15 So with that, we'll adjourn for lunch, and then
16 we will come back at 1:30. According to the published
17 agenda it's 1:15. We'll return at 1:15.

18 (Thereupon a lunch recess was taken.)

19 CHAIRPERSON MEDINA: This meeting is called back
20 to order. The first thing we're going to take up will be
21 the performance measures.

22 BOARD MEMBER WASHINGTON: Mr. Chairman, you want
23 to do ex partes?

24 CHAIRPERSON MEDINA: Yes. Board members,
25 ex partes?

1 BOARD MEMBER WASHINGTON: Mr. Chairman, I have
2 one, George Larsen. We spoke briefly about the visit I
3 had at Lakin Tire Site out in Santa Fe Springs
4 yesterday -- day before yesterday.

5 CHAIRPERSON MEDINA: Board Member Paparian.

6 BOARD MEMBER PAPARIAN: I also just said hello to
7 George Larsen.

8 CHAIRPERSON MEDINA: Board Member Jones.

9 BOARD MEMBER JONES: Mr. Larsen and
10 Mr. Blumenthal.

11 CHAIRPERSON MEDINA: And I have none to report at
12 this time.

13 With that, we'll proceed with the performance
14 measures.

15 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

16 The way we're going to be doing this, we're going
17 to walk through, first of all, quickly an overview of what
18 we're calling the baseline. And this is what staff has
19 compiled as the accomplishments for the first year, the
20 2001-2002 program. Then we'll get into the actual text of
21 the report and go through doing the noncontroversial text
22 changes which include possibly changing a couple of the
23 performance measures. Then we'll go back through and do
24 some of the policy-type changes if time allows. That's
25 the sequence.

1 What I'm going to start with here is a little bit
2 of background on performance measures. There's often some
3 confusion between what a performance measure is and what a
4 goal or objective is. So we had a couple of definitions
5 here we thought we'd put up.

6 A performance measure answers the so-what
7 component of the program. What has changed as a result of
8 the program? Do collected data measure the program's
9 success in terms of the program's goals and objectives?
10 And they include a time period over which the measure is
11 to be accomplished.

12 Performance measures are few in number;
13 comprehensive, comparable with other data, viewed as a
14 tool, not an end in themselves, relate to program
15 objectives, and match outcomes with responsibilities.
16 They usually start with an action verb such as "decrease,"
17 "increase," "shorten." And they state an object of the
18 subject of the action, such as "illegal disposal,"
19 "successful grants," "application period," et cetera.
20 Often, not always, include quantitative measures.

21 They count the number of occurrences of something
22 or they talk about the percentage increases or decreases
23 of some kind of activity. So I just wanted us to keep
24 that in mind as we go through the performance measures in
25 the text.

1 Now, as far as our baseline, just as a real quick
2 summary. You've seen this before. For the year 2001,
3 there were over 33 million tires generated including a
4 couple million imported. And this was the break out of
5 what was done with those tires and how we reached roughly
6 75 percent recycling rate.

7 And over the life span of the program -- I think
8 I showed this at an earlier meeting -- we've provided
9 funding up through the 2001-2002 Fiscal Year of roughly
10 \$10 million for various mats and surfacing projects made
11 from crumb rubber; over \$6.8 million for rubberized
12 asphalt concrete support; about 2.6 million for civil
13 engineering projects; and a little over a million for
14 energy recovery. That's just a rough split on the
15 programs.

16 As far as the actual baselines, there's a
17 document that was included in the original packet given to
18 the Committee and has been posted on the web where staff
19 has tried to write up what we see as the baseline for the
20 performance measures. And it's a document that looks like
21 this. Performance measures Five-Year Plan for waste tire
22 recycling management program, baseline data for Fiscal
23 Year '01-'02.

24 So those tables are here. I'm just going to
25 quickly summarize some of what we've written up in this

1 document. And if the Committee has any changes or
2 questions, we would be happy to take that now.

3 As you can see here, the enforcement program in
4 the first year had conducted 245 inspections of permitted
5 and unpermitted waste tire facilities which resulted in
6 the issuance of 109 letters of violation, 22 cleanup and
7 abatement orders, 10 administrative complaints, and one
8 criminal complaint.

9 The result of some of those enforcement actions
10 were that 32 illegal sites were closed and cleaned up.
11 And in an attempt to get our eyes and ears out there, as
12 Don's been calling the local government grants, we had
13 issued eight enforcement grants. The increase this year
14 for that enforcement grant is 25. Represents a tripling
15 in the size of that program. So I know there was some
16 earlier concerns about building up the program too
17 quickly. I think that indicates quite a high level of
18 interest on local governments to go from eight grants to
19 the 25.

20 As far as the remediation, the waste tire cleanup
21 efforts, the remediation activities at Westley Tire Site
22 have been completed. The debris is removed. We're doing
23 some paperwork finishing up on there. So that project has
24 been completed.

25 In the 2001-2002 year we issued nine cleanup

1 grants to local governments. Those grants will be coming
2 back to you for award for this fiscal year, I believe in
3 April.

4 And we had 22 grantees under the waste tire
5 amnesty day program. And you just awarded the last year's
6 last month -- or the current fiscal year. I'm sorry. The
7 current fiscal year's last month.

8 We also had four sites that we had -- the
9 enforcement program had referred to the cleanup program.
10 But before we actually had to get out to the site, three
11 of them were successfully cleaned by the owner, and one
12 was cleaned up by our Board. We will be moving forward
13 this year for additional sites on that list.

14 Are there any questions on enforcement or
15 remediation?

16 CHAIRPERSON MEDINA: Board Member Jones.

17 BOARD MEMBER JONES: Just real quickly. Under
18 the remediation, what about the Board-managed cleanups?
19 Are they in that pile -- I mean in that summary?

20 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

21 Yeah. That was the four sites that were referred
22 to our contractor only.

23 BOARD MEMBER JONES: This year?

24 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

25 This is 2001-2002.

1 BOARD MEMBER JONES: Okay.

2 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

3 We are trying to set for the baseline that first
4 year of the Five-Year Plan.

5 BOARD MEMBER JONES: Okay. All right.

6 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

7 Those are the numbers I'm going over here are all
8 Fiscal Year 2001-2002 because this year isn't quite
9 complete. We don't have complete data for this year.

10 BOARD MEMBER PAPARIAN: Mr. Chairman.

11 CHAIRPERSON MEDINA: Board Member Paparian.

12 BOARD MEMBER PAPARIAN: I think you just answered
13 this, but the 245 inspections just were inspections in
14 '01-'02. More recent CHP stops are not included in that.

15 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

16 Correct.

17 BOARD MEMBER PAPARIAN: Okay. Thank you.

18 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

19 We do have data for the current year, but it's
20 not complete data. So we didn't think it was appropriate
21 to put that into the report yet. You know, possibly staff
22 would consider doing sort of follow-up report that could
23 be published as an addendum if you want 2002-2003 data.
24 But those won't be available probably until July or
25 August.

1 The next program element was the research effort.
2 And these are things that had been directed under the
3 SB 876 and had been folded in as performance measures.
4 The Board assisted OEHHA in its completion of a waste tire
5 combustion toxicity report, and that has been published
6 and distributed.

7 We issued a contract which is close to completion
8 to look at increasing the amount of recycled content in
9 new tires. That was awarded to the Nevada Automotive
10 Testing Center.

11 We issued a contract to determine the viability
12 of pyrolysis-type conversion processes. That was being
13 done by Cal Recovery and should be presented to the Board
14 roughly in the June time frame.

15 We had a contract issued to look at the life
16 span -- increasing the life span of tires. You've heard
17 quite a bit of discussion in the last few workshops, I
18 think. And we also had the fiber and steel which is the
19 crumb byproduct contract.

20 All of these are winding down, and results are
21 going to be presented during the spring, maybe early
22 summer. So those are listed. The market development
23 side, the survey -- I just wanted to make sure we were
24 still on the same time line. Couple things have slipped.

25 We will be presenting the results of the public

1 information survey by Chico in April. We have published
2 the 2001 report and will be compiling -- staff is issuing
3 the letter for the survey to continually track how tires
4 flow across the state. And that's what -- this recycling
5 progress being tracked is one of the requirements of the
6 performance measures as we keep track of that.

7 We've published information on the grant programs
8 as they are concluded as well as the grant funds that have
9 been awarded by the Board. And the performance measures
10 document has a lengthy table -- I didn't put that up on
11 the chart -- to show what years at what funds and out of
12 the moneys allocated what was actually awarded. We don't
13 yet have data on the total funds spent because the grants
14 often last for about a two-year cycle. So if we awarded
15 it in 2001-2002, the activities continue until, you know,
16 2004. So some of those may not wind down for another
17 year. And if they came in under budget, that would
18 reflect in the total funds spent. So eventually we'll
19 have that as part of the performance measure assessment.

20 And I guess the sort of overall conclusion here
21 is at the 75-percent recycling rate, the program is highly
22 successful, I would classify it.

23 Any questions on the research or market
24 development?

25 CHAIRPERSON MEDINA: Board Member Paparian.

1 BOARD MEMBER PAPARIAN: Yeah. Thank you,
2 Mr. Chairman.

3 I think that we have to be careful. The
4 75-percent number is diversion from landfills. It's not
5 necessarily recycling. That opens up a different debate.
6 I think that slide you had up here did identify it as
7 diversion 74.-something percent diversion. But I think we
8 have to be careful to differentiate diversion from
9 recycling.

10 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

11 Okay. On the hauler manifest program, staff has
12 identified over 12,000 generators. I think even back
13 since we wrote this slide we've contacted a few more. But
14 we're in the process of cracking them so they know their
15 involvement in requirements now under the new manifest
16 program.

17 The manifest program has developed a new manifest
18 and tracking trip log which will track how the tires are
19 picked up and delivered. We have training scheduled up
20 and down the state for this summer and will be working in
21 Southern California and Northern California. We do at
22 least have a little bit of travel money available. So
23 we'll be able to do that. And we believe we're on
24 schedule to get the results of the manifesting back in to
25 the Board starting in the fall and will be able to start

1 reporting on those.

2 Sort of an overall synopsis here of the first
3 year's program. There was \$30 million roughly budgeted,
4 and we got the money out for the large part. There was a
5 fairly good chunk available, if you remember, for
6 reallocation. But I think we got the projects done that
7 have been laid out in the Five-Year Plan.

8 Any discussion on this document? Any questions?
9 Changes?

10 Okay. Then I guess the next step will be to
11 start working in the actual text of the report, the
12 Five-Year Plan. You were earlier given a draft dated
13 July 1st, 2003, and it has strikeout and underline and it
14 has shaded sections in it.

15 CHAIRPERSON MEDINA: The way we'll proceed,
16 Members, is we'll go through the entire document just
17 reviewing and approving any of the staff changes that
18 they've made. And then on the italics, we'll come back
19 and review all of the language changes that have been
20 proposed by the Board members. And we will incorporate
21 the ones that are approved into the document so as to
22 complete the document and have it ready for the full
23 Board.

24 BOARD MEMBER PAPARIAN: Mr. Chairman.

25 CHAIRPERSON MEDINA: Yeah.

1 BOARD MEMBER PAPARIAN: It might go more smoothly
2 and quickly if we just have an up or down vote on all my
3 items at one time in the beginning. Otherwise, I'll have
4 to raise questions about each section because I believe
5 that a lot of my items improve the section and help to
6 address issues in the section. If I know it's been voted
7 down off the bat or voted in off the bat, then I may have
8 fewer questions as we go through each section.

9 CHAIRPERSON MEDINA: Board Member Paparian,
10 because of the -- your suggestions have been listed on
11 certain pages and other Board members may have other
12 suggestions, additions that they want on that page. I
13 think it's better if we just come back.

14 BOARD MEMBER PAPARIAN: I think I was the only
15 one who met the time line proposed by you, Mr. Chairman,
16 and the staff in terms of getting our suggestions in.
17 But, again, I think it will go quicker if we have an up or
18 down vote on all of them. But if you don't want to do
19 that, I think it may lengthen the discussions.

20 CHAIRPERSON MEDINA: Well, be that as it may --

21 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

22 If I could suggest --

23 CHAIRPERSON MEDINA: Take some time. We'll do
24 that. What I'd like to do is now is just go through the
25 entire document just for any of the cleanup that the staff

1 did. Just get that out of the way. Anything that does
2 not involve any policy changes.

3 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

4 Okay.

5 CHAIRPERSON MEDINA: So if we can start from the
6 beginning.

7 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

8 All right. On page Roman numeral III it starts
9 with the executive summary. You'll see --

10 CHAIRPERSON MEDINA: Starting on the cover you
11 changed the years.

12 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

13 You want to start that much at the beginning?

14 CHAIRPERSON MEDINA: Yeah.

15 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

16 The cover, we're suggesting changing the fiscal
17 year to reflect the years that you just adopted budgets
18 for. We're projecting that report will be done and
19 published roughly by July 1st to meet the Legislative
20 submittal date.

21 BOARD MEMBER JONES: Mr. Chair.

22 CHAIRPERSON MEDINA: Board Member Jones.

23 BOARD MEMBER JONES: I don't have any problem
24 with that, but since we've got a rotating Legislature,
25 should we put as "originally written in for Fiscal Year

1 '01-'02?" This document's going to change every
2 two years, but it was originally written and voted on in,
3 you know, '01-'02. So we ought to put down the year it
4 was originally written, that this is the revision based on
5 law, you know.

6 CHIEF COUNSEL TOBIAS: Or maybe what you want to
7 do is cite the bill with the year and then you could --
8 you know, "pursuant to authority," blah, blah, blah, or
9 something.

10 BOARD MEMBER JONES: Sure. You know what I'm
11 saying, Mr. Chair? So they don't think this is brand-new
12 each time, there should be a quick and easy way to do
13 that, I would think, if you guys think it's valuable to
14 say. And I don't care one way or another. I hate for
15 people to think we're recreating this thing every
16 two years.

17 CHAIRPERSON MEDINA: I understand.

18 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

19 If we were to put together some language and
20 bring it back at either the next Committee or Board
21 meeting --

22 CHAIRPERSON MEDINA: Or before the end of this
23 meeting.

24 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

25 Oh, before the end of this meeting?

1 CHAIRPERSON MEDINA: I'd like to have all the
2 text of the document gone through today and finalized such
3 that we can present it to the full Board.

4 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

5 Okay. We can do that.

6 CHAIRPERSON MEDINA: So let's move on to any
7 other pages of any changes that have been made.

8 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

9 On the inside cover we've updated the names of
10 the Board members involved at this edition, and it changes
11 the publication numbers and dates.

12 We've revised the Table of Contents to show the
13 new page numbers as we've inserted text, and those numbers
14 are likely to change again.

15 If you'll remember, there's been a discussion on
16 having eventually two different versions of this plan.
17 One would be a strikeout underline version once everyone's
18 reached agreement on what that will be so that people can
19 see what we're proposing to change. There will also be a
20 clean version. When we do the clean version and remove
21 that strikeout text, it's going to change the page
22 numbering. So those Tables of Contents will be slightly
23 different between the two versions.

24 And as you can see, we're proposing an addition
25 here of Appendix C, performance measures, baseline data

1 from Fiscal Year 2001-2002. That was the document we just
2 reviewed.

3 BOARD MEMBER PAPARIAN: Mr. Chairman.

4 CHAIRPERSON MEDINA: Board Member Paparian.

5 BOARD MEMBER PAPARIAN: Couple things. I don't
6 know if it's appropriate for Appendix C or someplace else,
7 but I think it would be a good idea to include the
8 budgeted amounts and the actual spent at least for
9 '01-'02. We know all that information. But then the
10 budgeted amounts for '03-'04 so we don't lose it in the
11 context of the plan.

12 I think the Legislature will want to know how we
13 actually spent the money. We can deduce some of that from
14 the performance measures things we went over a few minutes
15 ago, but not really all of it.

16 The other suggestion I have is -- well, it's not
17 really a suggestion. It may be a new Appendix E. I may
18 be seeking to put a minority opinion into this. So I just
19 wanted to alert the Board members to that.

20 BOARD MEMBER JONES: A minority opinion on a
21 report that's voted on by the Board? Is that -- is that
22 the question? I mean, was that the recommendation?

23 BOARD MEMBER PAPARIAN: It's not a
24 recommendation. It would be something that just comes
25 from me. Maybe other members -- I don't know if they

1 wanted to sign on.

2 CHAIRPERSON MEDINA: We'll take that up with the
3 full Board.

4 BOARD MEMBER PAPARIAN: Was there agreement on
5 putting in how much we actually spent on '01-'02?

6 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

7 I'm sorry? What was that?

8 BOARD MEMBER PAPARIAN: Was there agreement to
9 put in how much we actually spent on Fiscal Year '01-'02?

10 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

11 It may depend on the data available. We can show
12 what had been budgeted in the Five-Year Plan and how we
13 were actually awarding it. So, for instance, if a grant
14 came in under the allocation and we had a \$500,000
15 allocation, you awarded 350,000, the actual dollar spent
16 won't be available for another year. If they come in
17 under budget or terminate earlier, they may come in at
18 300,000. There's three numbers.

19 BOARD MEMBER PAPARIAN: I think you may need an
20 asterisk, but I think you can get pretty close to what we
21 actually meant to spent in that fiscal year versus how
22 much was allocated in each of those items. I think the
23 Legislature would appreciate knowing that.

24 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

25 The award. Yes. We can do that. If it that's

1 the Committee's will.

2 BOARD MEMBER PAPARIAN: And then, you know,
3 throughout, you know, manifests, the whole budget.

4 CHAIRPERSON MEDINA: Board Member Jones.

5 BOARD MEMBER JONES: Mr. Chair, didn't we --
6 don't we have throughout this whole thing the grants that
7 were awarded throughout the history of the program going
8 back to '97? And, I mean, it seems to me we've had -- we
9 kind of show the history on that section by section.

10 If you look at the proposed budget for the five
11 year -- or on page 28 would be an example. Page 28 shows
12 our original with Fiscal Year '01-'02, '02-'03. The
13 strikeouts are because those years are done. Maybe we can
14 just put in there that those were the dollars that had
15 originally been budgeted in the first year and shade them
16 a different color because, you know, they had -- I mean,
17 that's what the original budget line was.

18 BOARD MEMBER PAPARIAN: That's right, Mr. Jones.
19 But I think what I'm looking for is the one step further,
20 is how much did we actually spend in each one of those
21 categories in '01-'02.

22 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

23 For example, on the local waste cleanup grant
24 there was a million dollars allocated in the plan, but I
25 think we only spent about 6- or 700,000 of that. It is

1 described in the performance measures, but I think what
2 Member Paparian is asking for is to tabulate that
3 separately.

4 BOARD MEMBER JONES: I'm just saying these tables
5 may be a place that you can do that.

6 BOARD MEMBER PAPARIAN: I think --

7 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

8 Like in a parenthetical?

9 BOARD MEMBER PAPARIAN: Can I just step in here?

10 I think you would use the tables and just put in
11 how much we actually spent next to the budget allocation.
12 You might use that as an appendix or something else. You
13 can start with these tables where it says "remediation
14 staff, long-term remediation projects," and so forth and
15 put in the numbers that we actually spent.

16 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

17 Award, we can do that.

18 BOARD MEMBER PAPARIAN: Put the asterisk on
19 things that were awarded and not necessarily actually --
20 okay.

21 CHAIRPERSON MEDINA: I have no problem with that
22 at this time.

23 DEPUTY DIRECTOR LEE: Clarification,
24 Mr. Paparian. Your request to include the amount that was
25 awarded to juxtaposed against what was originally budgeted

1 in the Five-Year Plan, were you proposing just for us to
2 revise this document to include that information? Because
3 the Five-Year Plan revision itself starts at '03-'04 and
4 nothing -- very little of that's been awarded to date. In
5 fact, none of it's been awarded.

6 BOARD MEMBER PAPARIAN: I was suggesting that
7 as an appendix. You may want to include it in that
8 Appendix C or you might want to have it as a separate
9 appendix resulted to budget item. But I don't see a need
10 to put it in the actual text -- the front text of the
11 document. Being in an appendix is fine, but I think it's
12 important information to put out there for anybody who
13 would want to look at the plan.

14 DEPUTY DIRECTOR LEE: I think it's -- in this
15 so-called Appendix C we can include information that
16 tabulated the amount that's awarded and juxtapose what was
17 budgeted in the original plan.

18 BOARD MEMBER PAPARIAN: It's not just the grant
19 award. It's all the other items in the budget. There's
20 about in each of those categories there's anywhere between
21 three and ten items that we -- you know, line items that
22 we had. So how much did we actually spend in each those
23 line items I think would be useful information.

24 BOARD MEMBER JONES: Mr. Chair.

25 CHAIRPERSON MEDINA: Board Member Jones.

1 BOARD MEMBER JONES: On that appendix I think
2 when we did the original Five-Year Plan we picked out -- I
3 don't remember exactly -- let's say it was 45. I don't
4 remember how many. But maybe 45 different things. I
5 think we did 42 of them or 40. We did all but two or
6 three. So I think that if any appendix that's going to
7 show all the different projects and the numbers ought to
8 have a tally at the bottom that had Board had directed
9 staff to do X amount of people -- I mean X amount of
10 projects and that this many got done. So that the
11 Legislature and the Governor can see just how much work
12 was -- the cumulative of all that stuff. If that's no
13 problem.

14 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
15 We can do that. It will show in the tabulation.
16 For instance, if you remember some of the unused moneys
17 from a couple of those projects that didn't get done was
18 redirected to fulfill the passing grants and the
19 commercialization grant program and in the track grant
20 program. So hopefully the table we'll put together for
21 this appendix will show, even for the two or three
22 programs that got zeroed out, the dollars that were
23 reallocated to existing programs that were used. I think
24 we capture all of that.

25 CHAIRPERSON MEDINA: I have no problem with

1 giving the Legislature a full accounting of how we spend
2 our moneys. I know that with any budget document you're
3 not always going to spend the exact amount of dollars that
4 you budgeted for. The need may be less or more, and so
5 you have to make those adjustments.

6 But I have no problem with accountability, nor do
7 I have any problem with that being reflected in the
8 report.

9 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

10 Okay. If that's all, then page Roman numeral III
11 is the executive summary. Those first three paragraphs
12 are updated to reflect the chain in numbers of years and
13 what we had achieved at Westley.

14 Any comments there?

15 CHAIRPERSON MEDINA: Board members, any comments
16 on that page?

17 Roman numeral IV.

18 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

19 Roman numeral IV -- could I just ask a question
20 of the Chair? If we have a suggestion by a Board member
21 for something that is not policy but just like a number or
22 something, I should include that in what I'm reviewing
23 now; correct?

24 CHAIRPERSON MEDINA: Yes. For example, let's
25 take the top of page 4, and this document provides the

1 revised plan that covers Fiscal Year 2003-'03, 2007-'08.
2 If a Board member found that incorrect or didn't agree
3 with what was stated therein, then the Board member could
4 bring that to the Committee's attention, and we would make
5 the change at that time.

6 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

7 Okay. I guess the change to goal number 3
8 simplifies the language there. I'm not sure if that's a
9 policy change or not.

10 CHAIRPERSON MEDINA: Well, because that
11 particular section is shaded in gray and reflects the
12 recommendation of a Board member --

13 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

14 That's --

15 CHAIRPERSON MEDINA: -- move on until we get back
16 and discuss that particular section 3 and the language
17 that's proposed.

18 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

19 The next change is the bottom of Page 4, Roman
20 numeral IV. We're just trying to describe what we've done
21 in Appendix C. And I believe even with the addition of
22 the table that Member Paparian is requesting we're still
23 covered because it talks about baseline data.

24 BOARD MEMBER PAPARIAN: Is the baseline data for
25 '00-'01 or '01-'02?

1 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

2 '01-'02.

3 BOARD MEMBER PAPARIAN: So I think there's a
4 change that you need to make there.

5 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

6 You're correct. All right. We'll make that
7 correction.

8 Okay. The next page there's some changes
9 proposed by staff just to bring the numbers up to date;
10 the dates, the tire numbers, et cetera.

11 We skip then to page 3 under Legislative history
12 where we have added a couple of bills that have been --
13 well, two of them have been passed since the report was
14 written, but one we felt gave greater clarity to the
15 funding made available for the farm and ranch program.

16 CHAIRPERSON MEDINA: Back to the top of page 3.
17 That is new language that you were --

18 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

19 Right. We're trying to introduce the section a
20 bit there. We didn't really have an introduction to what
21 the section was about so we just inserted that statement.

22 As far as content, we've add a description of
23 SB 1055, and this one helps with the site access and cost
24 recovery issues. So there's a description of that.

25 In the year 2001 there was further work done on

1 cost recovery issues. 2002 was the Kuehl Bill and its
2 grant program. So we've just tried to catch that up. If
3 there's other pieces of legislation that the Board members
4 would like to see included, we could put them in here too.

5 CHAIRPERSON MEDINA: Any other language you'd
6 like to see included? Any other legislation?

7 BOARD MEMBER PAPARIAN: Yeah. I'm wondering if
8 it would be appropriate to have the environmental justice
9 legislation included.

10 I also have a question about the Kuehl Bill
11 language. Should I ask that now?

12 CHAIRPERSON MEDINA: Yeah. Ask that now.

13 BOARD MEMBER PAPARIAN: Okay. I thought that --
14 is our legal staff here? No. I thought our legal staff
15 had a nuance on the interpretation in that last sentence
16 from something that they sent us. I don't have my hands
17 on it right now as to whether the funds have to equal 16
18 percent. And I think legal staff gave us some explanation
19 of that which, as I say, added a nuance to that that
20 someone reading this report might not get from reading the
21 sentence as is.

22 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

23 My understanding is that legal staff felt that
24 the 16 percent needed to be implemented if we did any
25 funding of the grant programs, unless the Board made two

1 findings. And those were findings that there weren't
2 enough eligible projects or, you know, applicants out
3 there. I've forgotten what the second one was.

4 MS. FRENCH: Crumb rubber.

5 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

6 Not enough crumb rubber. Thank you, Sally.

7 The Board had to make one of two findings; there
8 was not sufficient or not enough qualified applicants.
9 And under those conditions we could drop under 16 percent.

10 BOARD MEMBER PAPARIAN: I think we may want to
11 flag that to double check it to make sure the Legal Office
12 is comfortable with the way that's worded. If it's not
13 worded right, it may tend to lock us into an
14 interpretation. If it does cover what the Legal Office
15 says it ought to be, then so be it.

16 CHAIRPERSON MEDINA: While we're going through
17 the rest of the document, can we have someone from the
18 Legal Office here who might have reviewed this section?

19 EXECUTIVE DIRECTOR LEARY: I think Kathryn just
20 stepped out for a second. She was here when we started.
21 She's due back momentarily.

22 Jody Feldman is here. Maybe she wants to take a
23 whack at this question. Or I think what you're suggesting
24 is simply you want to make sure this description of 1346
25 is as complete as it can be. We can certainly --

1 BOARD MEMBER PAPARIAN: It's complete as it needs
2 to be from a legal perspective so it doesn't -- if it
3 locks us in and that's the way it should be, that's fine.
4 But if it locks us in and it's different than what the
5 Local Office thinks it should be, then we need to fix it.

6 EXECUTIVE DIRECTOR LEARY: Gosh, yeah.

7 CHAIRPERSON MEDINA: Let's move on to the next
8 page until we get clarification on that.

9 BOARD MEMBER PAPARIAN: What about the
10 environmental justice legislation?

11 CHAIRPERSON MEDINA: You're free to recommend any
12 inclusion in any of those years as you deem appropriate.

13 BOARD MEMBER PAPARIAN: I do recommend that. I
14 recommend the inclusion of the environmental justice
15 legislation.

16 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

17 Okay. We can do that.

18 On page 5 is a summary of SB 876. I think the
19 only staff changes were a correction on actually page 6 to
20 the section citation. We had gone to page 7, Five-Year
21 Plan development describe the requirement to adopt the
22 plan. We've proposed dropping the paragraph that
23 describes how we prepared the first plan, thinking that
24 was not necessary to keep in.

25 I think then the next change by staff is on the

1 bottom of page 8 which, once again, describes Appendix C.
2 And once again, does that language cover the inclusion of
3 the new table? I think it's okay. But if anyone wants to
4 insert additional language there to highlight the table,
5 we can do that.

6 DEPUTY DIRECTOR LEE: As Committee Member
7 Paparian mentioned before, we need to change the reference
8 in the baseline to 2001-2002 instead 2000-2001.

9 BOARD MEMBER PAPARIAN: And Mr. Chairman --

10 CHAIRPERSON MEDINA: Yes.

11 BOARD MEMBER PAPARIAN: At the bottom of the page
12 there I know in that -- go back up one. There you go.
13 The second sentence there I know --

14 CHAIRPERSON MEDINA: The last paragraph or next
15 to the last?

16 BOARD MEMBER PAPARIAN: The last paragraph about
17 three lines below where the courser's blinking right now
18 where it says "IWMC staff used input from stakeholders to
19 further develop revision to the Five-Year Plan," I know
20 that that may appear to be the case, but I would think
21 that the Board would want to suggest that the Board also
22 had some role in that as well.

23 BOARD MEMBER JONES: We adopted it.

24 BOARD MEMBER PAPARIAN: But -- up to you. Just
25 pointing that out.

1 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

2 Is there a proposed wording change you want?

3 BOARD MEMBER PAPARIAN: I'm pointing that out to
4 the Board members. If they're comfortable suggesting that
5 the staff developed it in this way, so be it.

6 CHAIRPERSON MEDINA: If those three public
7 meetings are the meetings of the Five-Year Tire Committee
8 or the Special Waste, or were these other meetings just to
9 take input from the stakeholders?

10 BOARD MEMBER PAPARIAN: They were the Special
11 Committee.

12 CHAIRPERSON MEDINA: We should make note it was
13 the Special Waste Committee.

14 BOARD MEMBER JONES: We didn't have a Special
15 Waste Committee. It was Mr. Eaton, Mr. Paparian, and
16 myself who were just at those meetings with other members
17 if they chose to come. We didn't have a committee back
18 then.

19 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

20 I think what's happening here is we're trying to
21 update that language which was originally written, as
22 Member Jones pointed out, based on the old Board structure
23 without committees, but that the three workshops now
24 listed that we're proposing to add were done under the
25 Committee. So in reference to those workshops, we could

1 insert the Committee name, if that's the direction you
2 want us to take.

3 BOARD MEMBER WASHINGTON: You insert a Committee
4 name?

5 BOARD MEMBER JONES: Oh, these are 2002. They
6 were the Committee. I'm sorry. I'm sorry, Mr. Paparian.
7 I thought he it was talking about the original.

8 CHAIRPERSON MEDINA: Just make note then these
9 were Committee meetings.

10 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
11 So what we can do is move that green language to
12 say "three public meetings were held under the Committee,"
13 something like that.

14 CHAIRPERSON MEDINA: Board Committee.

15 MS. FRENCH: I changed "IMB staff" to "market
16 waste committee." And I added the March 24 workshop which
17 was not included.

18 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
19 All I see is special waste. It would read,
20 "Three public meetings were held on October 1st, 10th, and
21 17th to obtain input from the stakeholders on the original
22 Five-Year Plan. Special Waste and Market Development
23 Committee used input from stakeholders."

24 BOARD MEMBER WASHINGTON: That doesn't sound
25 right.

1 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

2 That doesn't sound right.

3 BOARD MEMBER WASHINGTON: "Three public meetings
4 were held by the Special Waste and Market Committee on
5 October 1st to obtain input from stakeholders."

6 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

7 As Sally said, we'll have to add the dates of the
8 February and March -- no. I guess it was January 30th,
9 March 7th, and March 24th. We'll add those dates.

10 Oh, they're further down there. It was the
11 March 24th that was missing.

12 CHAIRPERSON MEDINA: You might have that one read
13 "The Special Waste and Market Development Committee held
14 three public meetings at which input was taken from
15 stakeholders on the" -- and you can give the date of the
16 meetings and what the meetings were about.

17 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

18 Can you do that, Sally?

19 MS. FRENCH: You want me to do it now?

20 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

21 I think he wants it at the introduction of the
22 sentence.

23 CHAIRPERSON MEDINA: "The Special Waste and
24 Market Development Committee convened three public
25 meetings on" -- these dates, and you list the dates -- "to

1 obtain input from stakeholders on the original Five-Year
2 Plan."

3 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

4 And then we've got the later workshops down
5 below. So that covers those events. All right.

6 The next set of changes come on page 10. This is
7 the enforcement and regulations relating to the storage of
8 waste and used tire chapter. What we've done in these
9 first couple paragraphs is updated the numbers that deal
10 with the tire sites, investigations, millions of tires,
11 dollars spent. So that's pretty straightforward updating.

12 CHAIRPERSON MEDINA: Members, any issues with
13 page 10? If not, we'll move on to page 11.

14 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

15 Page 11. There's one minor change near the top
16 there where it says, "local enforcement agencies," and
17 we've struck out "enforcement," as we are working with a
18 wider variety of local government agencies. They're not
19 necessarily enforcement only. And then at the bottom --

20 BOARD MEMBER PAPARIAN: On that one, is that
21 where CDAA should fit in as well? It's not a local
22 agency.

23 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

24 This gets into a tricky area. The elements 1, 2,
25 and 3 were recommendations from the AB 117 work group

1 which was held back in, I think, 2000. And while we're
2 making a slight modification to its recommendation here to
3 drop the word "enforcement" just because we've expanded
4 the scope of who can apply, the CDAA, I guess, is not
5 quite a local agency. So would that be a later action of
6 the Board rather than a recommendation of the 117
7 workshops?

8 BOARD MEMBER PAPARIAN: Is it in the later
9 actions of the Board? Is it in here later?

10 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

11 I know in the actual -- let's see. I'm trying to
12 remember. Understated State enforcement and enhanced
13 enforcement when we talk about the legal -- yeah, on
14 page 16 we've described the California District Attorney's
15 Association effort here. It's at the top, I believe, of
16 page 16.

17 CHAIRPERSON MEDINA: So on page 11 the following
18 recommendations suggested by the AB 117 report work group,
19 among their recommendation suggested, was there any
20 mention of the California District --

21 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

22 There was not.

23 BOARD MEMBER JONES: No.

24 CHAIRPERSON MEDINA: Then I would not include it
25 in there since we do include it later on in the document.

1 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

2 Thank you.

3 At the bottom of page 11 this is the first place
4 you'll see where we've tried to insert now into this
5 entire document the appropriate spots more language
6 relating the Five-Year Plan to the Board's Strategic Plan
7 and list certain goals and objectives. So for the
8 enforcement program we've listed goal 4 and some of those
9 objectives and strategies. That's language right out of
10 the Strategic Plan.

11 At the bottom of page 12 -- now this is getting
12 in under program activities for enforcement. The first
13 program activity was enhanced enforcement which was our
14 original attempt to add staff at the State level. This
15 now describes what staffing levels we have currently and
16 what they do. And that's the basis then for calculating
17 the funding for those staff.

18 We did on page 13 highway patrol where we've
19 updated the number of those activities. This is where it
20 relates to particular enforcement. There's additional
21 California Highway Patrol agreement that comes up under
22 the hauler manifest program.

23 Under waste tire bounty program --

24 BOARD MEMBER JONES: Mr. Chair.

25 CHAIRPERSON MEDINA: Board Member Jones.

1 BOARD MEMBER JONES: Just a quick question. The
2 319 sites that were suspected of storing waste tires, you
3 were aware of some of those sites, or was it these 319
4 sites and you chose to inspect 161? Some of those you
5 already knew about, that's why you didn't go in?

6 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

7 Some of them we knew about. Some it gave us a
8 better extent from seeing it from above rather than just
9 out on the street or something. Some of them were just
10 below.

11 The one thing that's so good about the CHP aerial
12 surveillance is they can see small piles of authority, and
13 our authority does not start until there's at least 500.
14 So the sites that they've identified are sort of on a list
15 of things to keep an eye on in case they grow and become
16 of a size that is of concern to us.

17 BOARD MEMBER JONES: Thanks.

18 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

19 On the bottom of page 13 under waste tire bounty
20 program, staff is proposing to drop some of the language
21 dealing with setting up a program to, I guess, pay off
22 people who bring in tips.

23 What the staff has proposed is to make a
24 complaint form more easily available through the web. The
25 public can report to the Board any illegal activities they

1 become aware of.

2 CHAIRPERSON MEDINA: Since that contains some
3 shaded gray area, defer that to a later discussion. We'll
4 come back on that one to make sure that we get the whole
5 number 3 taken care of after we have a discussion on that
6 one.

7 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

8 Then on page 14 we got into some discussion under
9 the regulations section of the tiered program, and we've
10 just tried to update it to reflect what the regulations
11 now show and that staff believes the current tiered
12 structure is adequate for the regulated community and that
13 we don't need to go beyond that.

14 BOARD MEMBER PAPARIAN: We seem to be moving away
15 from tiers. We did that in the C and D regs quite a bit.
16 Can you describe the tiers in the program? And it might
17 be something that the Board wants to consider revisiting
18 moving away from tiers.

19 MR. DIER: I think that's a good point. Don Dier
20 with the Waste Tire Enforcement Program.

21 The tiers -- right now there's two basic tiers.
22 We have the major permit for facilities greater than 5,000
23 tires and the minor permit for 500 to 5,000. And then
24 there's what we would consider the excluded tier. And if
25 you want to consider below 500 which probably could be

1 viewed as a tier, it's pretty much unregulated by us at
2 this point.

3 Staff feels that that provides -- to date it's
4 provided a fairly effective tiered regulatory structure.
5 It seems to have met the needs of the regulated community.

6 BOARD MEMBER PAPARIAN: It seems that given the
7 direction we're going on the C and D regs it may be
8 something we want to call out for revisiting during this
9 two-year period to see if we want to make any changes or
10 not.

11 CHAIRPERSON MEDINA: Your point is well taken,
12 Board Member Paparian. Until such time as we have
13 appropriate language, we'll leave that in there. Come
14 back.

15 Page 15.

16 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

17 Page 15, under passenger tire equivalents. This
18 deals with the difference between counting old tires as a
19 way to get to the number of tires on the site versus the
20 use of passenger tire equivalents when they have partially
21 processed tires. And it is reflected in our regulations.
22 That's just trying to bring the description into align
23 with that.

24 Under local enforcement --

25 DEPUTY DIRECTOR LEE: Martha, one thing on that

1 paragraph, last line, it starts "For this reason the Board
2 decided not to apply PTE's to whole tires when it adopts
3 the final regulations." The final regulations have been
4 adopted, have they not? Should make that past tense.

5 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

6 Okay. Local enforcement.

7 CHAIRPERSON MEDINA: Can you read that last
8 sentence?

9 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

10 It'll just read, "For this reason the Board
11 decided not apply PTE's to whole tires when it adopted the
12 final regulations."

13 CHAIRPERSON MEDINA: Any objection to that
14 change? In not, we'll do it.

15 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

16 So there's several changes on page 15 now where
17 we've tried to insert some additional information on how
18 we would be working with the locals and what they are
19 doing versus what the State staff will be doing.

20 I don't -- do you want me to read through all the
21 specific language or just summarize that our intent is to
22 have the local agencies do the first-line inspection and
23 that any actual follow-up enforcement would be done at the
24 State level. But this is sort of scattered throughout the
25 whole page of description. I don't know if you want me to

1 read that all.

2 CHAIRPERSON MEDINA: Well, we're able to read the
3 changes that you've made on the document itself. So I
4 will ask the Board members if they approve those changes
5 that have been made. And if not, what would you like to
6 see?

7 BOARD MEMBER JONES: I'm good.

8 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
9 I think it's --

10 CHAIRPERSON MEDINA: Page 15, are there any
11 objections to the changes that have been made there?

12 Hearing none, we'll move on to page 16.

13 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

14 Page 16 is where we do insert language to
15 describe our relationship now with the California
16 District's Attorney Association. We talk about how we're
17 trying to facilitate additional criminal referrals to
18 local district attorneys to a two-year pilot grant
19 program. And then conclude by saying, "This activity will
20 be evaluated during Fiscal Year 2003-2004 for continued
21 funding."

22 BOARD MEMBER PAPARIAN: If the Board chooses to
23 continue the funding based on whatever information's
24 developed in '03-'04, could that come from this local
25 enforcement item?

1 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

2 Yes. That's how we funded it for this first
3 round was through the \$4 million --

4 BOARD MEMBER PAPARIAN: I realize --

5 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

6 -- reallocation.

7 BOARD MEMBER PAPARIAN: -- it could also be
8 funded through reallocation, but so we understand if the
9 Board choose continued funding of this, it could come out
10 of the \$6 million.

11 MR. DIER: I think that was the Board's direction
12 if that's what they wanted to do.

13 At this point, as Jim or Martha mentioned
14 earlier, we are making plans now to continue our marketing
15 effort for a local enforcement program anticipating the
16 \$6 million next fiscal year. So if there is going to be a
17 reduction in the local enforcement program, it would be
18 helpful to know that sooner than later.

19 BOARD MEMBER PAPARIAN: But I guess the basic
20 part of my question is, would the CDAA program be
21 considered part of the local enforcement program?

22 MR. DIER: My opinion, no, it wouldn't be.

23 BOARD MEMBER PAPARIAN: Then I think we may have
24 an issue here. It may wind up hanging in the Five-Year
25 Plan. That could become a problem.

1 MR. DIER: To date, it hasn't been identified
2 because it was funded from reallocation. It didn't come
3 from a specific portion of the program. So it would be
4 helpful if the Board would like it to be identified in a
5 specific portion it should be placed in.

6 BOARD MEMBER PAPARIAN: I think one way or
7 another we should call out what we're doing. Again, I
8 don't want to presuppose we're going to fund this. We
9 still have to make this decision. But if we decide to
10 continue funding the CDAA program, if it's not coming out
11 of local enforcement but it's coming out of reallocation,
12 let's be explicit about it. Say we would anticipate
13 funding it out of reallocation if the Board wanted to
14 continue funding. Or let's say it would be part of the
15 local enforcement funding if we choose to identify it that
16 way.

17 DEPUTY DIRECTOR LEE: I think, Mr. Paparian,
18 again, of the program elements I think the enforcement
19 program element is the appropriate one for it to come out
20 of. But I would still like to see if it's the Committee's
21 direction to fund it out of that line item relative to
22 looking at trying to fund it out of any reallocated
23 moneys.

24 BOARD MEMBER PAPARIAN: I understand it's not an
25 entitlement yet to the CDAA. It's a pilot program we

1 haven't decided if we want to continue or not. But I
2 don't want to close the door on it by failing to identify
3 where the money could come from in the future.

4 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

5 As Member Paparian has pointed out, there are two
6 ways we can fund this. And if the Committee wishes, we
7 could put into the language either of those two funding
8 mechanisms. One is that it could be considered part and
9 parcel with the other local enforcement grants and that a
10 chunk of money would be made available from that grant
11 allocation of 6 million, or the Committee could direct us
12 to include language that describes funding it if the
13 evaluation comes out favorably from a reallocation effort,
14 which is how we funded it the first year round. So we can
15 go either direction.

16 BOARD MEMBER PAPARIAN: I think it would be
17 cleaner just to say it would qualify for funding in the
18 local enforcement item. Then you have an identified
19 source.

20 CHAIRPERSON MEDINA: I don't know if I want to
21 tie it to one source of money. If it's been funded under
22 reallocation -- we haven't decided on that as a permanent
23 funding item.

24 BOARD MEMBER JONES: I agree, Mr. Chair. I have
25 no problem if these guys end up pulling their weight. And

1 if there's value there, we can look to some multiple
2 sources. But to tie it to a fund, they're going to
3 expect -- they're going to expect continual funding
4 irregardless of their performance. And it says we're
5 going to look at it in 3-4 so look at it in 3-4.

6 CHAIRPERSON MEDINA: I think since under proposed
7 funding we have a figure indicated we would consider for
8 those years, I think the report should reflect that there
9 would be underfunding consideration without tying it to
10 any one fund.

11 BOARD MEMBER JONES: Question, Mr. Chair.

12 CHAIRPERSON MEDINA: Yes, Member Jones.

13 BOARD MEMBER JONES: How much did we do with
14 CDAA? Was it 300?

15 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
16 350, I think.

17 BOARD MEMBER JONES: 350. 300?

18 CHIEF COUNSEL TOBIAS: I think it was 350 over a
19 two-year period.

20 DEPUTY DIRECTOR LEE: For two years.

21 BOARD MEMBER JONES: That's for two years. Okay.

22 CHAIRPERSON MEDINA: Now, I supported funding
23 them, and I would support funding them in the future. I
24 would not want to tie them to one fund. But I would like
25 to see the report reflect that there is proposed funding

1 in the coming years.

2 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

3 So you want us to describe these possible funding
4 mechanisms the Board could use? Both of them?

5 CHAIRPERSON MEDINA: You could describe them
6 without -- just indicating those are two possible sources
7 of funding. There might be other sources of funding that
8 might come up.

9 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

10 I don't think we can do that wording here,
11 though, live. We can work on it and tweak it and it will
12 be in the next version.

13 CHAIRPERSON MEDINA: The wording above "proposed
14 funding," any issues with that wording?

15 CHIEF COUNSEL TOBIAS: Mr. Chair.

16 CHAIRPERSON MEDINA: Yes.

17 CHIEF COUNSEL TOBIAS: Chairman Medina, Kathryn
18 Tobias.

19 I think one of the ways to handle this is just to
20 use the CDAA as we talk about an example as something the
21 Board has done. I don't think in the rest of the tire
22 report we have necessarily called out everybody who gets a
23 grant or who is called upon to. And correct me if I'm
24 wrong, but we don't necessarily name the different
25 grantees or people who are getting money from the Board.

1 So I think what -- and I think Martha's right.
2 We'll have to work on this language. But I think we could
3 just use as an example what we've done with local
4 enforcement. I don't think that then puts it in or puts
5 it out. But that would be my suggestion from the Legal
6 Office.

7 CHAIRPERSON MEDINA: Mr. Paparian.

8 BOARD MEMBER PAPARIAN: I worry now that the
9 record indicates the program staff believes that this is
10 not fundable under the local enforcement item, and we
11 don't have a clear direction from the Board. So that then
12 does leave it as a reallocation source for funding this
13 item if we chose to fund it in the future. I think we
14 ought to just be honest about that.

15 BOARD MEMBER JONES: Mr. Chair.

16 CHAIRPERSON MEDINA: Board Member Jones.

17 BOARD MEMBER JONES: I think that fact that
18 Mr. Dier doesn't think it fits under the description of
19 what's eligible and not eligible today doesn't necessarily
20 cast that in concrete. I mean, you know, we change stuff
21 all the time. So, you know, I wouldn't worry about a
22 record being set up on that statement. We've had plenty
23 of records being set up.

24 So you know, I mean, I think it's clear that this
25 Board is going make a determination as to what's eligible

1 in any of our programs, which we always do. And then
2 we're going to decide, you know -- we're going to have
3 staff review and see who funds and we're going to vote for
4 ultimate funding.

5 So I don't think they've shut any doors,
6 Mr. Paparian. I sure as heck would hope that a statement
7 from anybody wouldn't be enough to slam a door for the
8 record.

9 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

10 I believe if the Board so wished to, we could
11 open up the applicant eligibility criteria for the local
12 enforcement grant, and we could make CDAA an eligible
13 applicant under that. It probably would take an action of
14 the Board to add them to that list. But I think it could
15 be done.

16 CHAIRPERSON MEDINA: Let's take it up at that
17 time. For now just go with the language that we have
18 here.

19 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

20 Okay. Going on down on page 16, we tried to make
21 one or two changes to some performance measures here. The
22 changes to performance measure number 1 --

23 CHAIRPERSON MEDINA: I would skip all of those,
24 the numbers that have gray areas under them, and deal with
25 the ones that have no gray. And then we can come back and

1 discuss the ones -- the proposed Board changes.

2 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

3 Then we go to number 5. Strike "gradually
4 reduce" and say "track number of newly discovered illegal
5 sites to determine if occurrence is decreasing." We felt
6 that would make more clear the intent of that performance
7 measure to see if, indeed, our enforcement actions are
8 having an effect in that fewer illegal sites have
9 recreated.

10 And number 6, we were talking about increasing
11 the number of applications submitted. Part of what might
12 limit us on the number of applicants is the total funding
13 available. We're sort of set at a certain amount each
14 year based on those moneys. But if we get full
15 participation and there are, you know, even more
16 applications, perhaps, than we can fund, that lets us know
17 the program is well-respected and people want to be
18 involved.

19 I think that's it then for the enforcement
20 section.

21 We'll be changing obviously all the budget tables
22 to reflect what the Committee's action were in these last
23 few workshops, but that's not in here yet.

24 So we go on page 18. We get to the cleanup,
25 abatement, or other remedial action related to tire

1 stockpiles throughout the state. Once again, the first
2 couple paragraphs the changes are merely to reflect what
3 has happened in the last year. We have updated the
4 dollars and tire numbers and actions.

5 Same thing with table 2. We've extended it to
6 include the year 2001-2002, et cetera, and show the totals
7 there on what we've spent and the tires removed. There is
8 an asterisk there to show in 2001 our efforts were pretty
9 much completely directed at the Westley site.

10 Going on then to page 19. Once again, we've
11 updated some of the dollars spent on various activities,
12 and we're showing at table 3 the local government cleanup
13 grants and the dollars spent there. 2000-2001 had no
14 funding allocated because we only had six months of
15 revenues from the sunset of the old tire fee. Table 4
16 also updates the activities for 2001-2002. And that shows
17 the same thing, no funding for the first year as they
18 weren't available.

19 Going on then, page 20 is the next set of
20 changes. This is the segment to include the linkage to
21 the Board's Strategic Plan where we cite the objectives
22 and strategies under Goal 4 that pertain to cleanup and
23 remediation.

24 And then on page 21, under program activities
25 we've updated the numbers and dollar amounts there.

1 BOARD MEMBER PAPARIAN: Are those the numbers we
2 have in based on this morning or you -- the second line,
3 it's either rising or falling. But you need to make sure
4 the rising or falling is correct. In the language we have
5 there it's falling. But I don't know if that's what we
6 did this morning.

7 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

8 You're right. We'll have to make those -- I will
9 circle that, and we will check it. Thank you.

10 We talk about the staff levels down below and
11 then we got into the waste tire stabilization abatement
12 program. The strikeout here at the very last of page 21
13 is reflective of -- does that show the strikeout there?
14 It was the discussion we had as to what we were going to
15 do with the table. It was the table 6, short-term
16 remediation projects by fiscal year. We had that
17 originally in the document, and I think at the January
18 30th -- was it -- Committee meeting we were instructed to
19 remove it from the body of the text but possibly to
20 consider including it as an appendix. So in this version
21 we've dropped it. Or is it there?

22 MS. FRENCH: We moved it to Appendix D. It's in
23 5 for long term, Appendix D for long term.

24 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

25 Does that meet the direction of the Committee?

1 BOARD MEMBER PAPARIAN: Does which? I couldn't
2 hear over the conversation.

3 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

4 Sorry. We have in the original Five-Year Plan --
5 there were two tables to show how the dollar value that
6 was put into the actual budget was arrived at. And those
7 were tables that dealt with the long-term projects at
8 Westley and Tracy and the short-term projects which are
9 the ones we knew of over the next few years and how we
10 would get to them. So we had those tables in the original
11 Five-Year Plan.

12 At the January 30th workshop there was some
13 direction from the Committee to strike those tables from
14 the body of the report. And then I believe it was the
15 March 7th workshop -- was it -- I think someone from
16 Sonoma County expressed interest in having those tables
17 available so we considered putting them in as a separate
18 appendix.

19 BOARD MEMBER PAPARIAN: We might want to ask --
20 Mr. Chair, we might want to ask the Legal Office about
21 this. I kind of worry about putting dollar amounts,
22 associate them to sites where we haven't reached any
23 agreement yet on cost recovery. It might essentially
24 create an expectation of a certain amount of State funds
25 being allocated to that clean up before we've reached an

1 agreement with the responsible party.

2 For that reason, I would -- I'd like the
3 direction of identifying the year in which we would expect
4 the clean up to take place and then aggregate the numbers.
5 But I think identifying a specific dollar amount to a
6 specific site where we haven't yet reached a cost recovery
7 agreement, this could create some problems for us in the
8 future.

9 CHAIRPERSON MEDINA: Can we have a response from
10 Legal?

11 CHIEF COUNSEL TOBIAS: I'm thinking.

12 I think you could do it either way. I think what
13 you might normally see is more of an aggregate of numbers
14 where you don't call the particular sites out. I think
15 you could also caveat the table in the text. It says
16 "approximate dates when sites will be remediated." So
17 it's an approximate date. And we also have the
18 requirement that we would pursue cost recovery first.

19 I think the other thing that does happen at times
20 is that, you know, different priorities come up during the
21 term of the plans so that at different times we may find
22 something that's not even on the list that requires moving
23 up. So I don't know that in that type of plan it actually
24 makes that much sense to have an exact listing of the
25 sites that we're going to do. But, again, I think if you

1 want the exact sites we could put language in that says,
2 "These are ones that we plan to remediate" or whatever.

3 If I have a preference, I guess, it would be that
4 we have aggregate figures. We make reports for the Board
5 on a fairly regular basis what's being cleaned up and
6 what's being pursued as far as cost recovery at this time.
7 So I think the Board would continue to know what sites are
8 being taken up at any given time. I think if it's the
9 Board's preference --

10 CHAIRPERSON MEDINA: So we would list the sites
11 without a specific dollar amount for each site but an
12 aggregate number for --

13 CHIEF COUNSEL TOBIAS: I guess what I would
14 suggest is taking these numbers that we have -- I think
15 staff knows when they want to clean certain sites up, and
16 then just have an approximation of how much money they're
17 going to spend each year. And then they could also, you
18 know, tell the Board on a yearly basis what their plans
19 were to -- in terms of which sites were going to be
20 cleaned up.

21 I'm a little bit reluctant to put that into a
22 plan that goes to the Legislature. And then if we don't
23 get to a site for some reason because it drops in priority
24 or for whatever reason, then I think there's a question
25 why didn't we do that. I think this is staff's best

1 thinking about what they can do, but I think sometimes we
2 have other priorities that may arise that we don't even
3 know about.

4 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

5 It was sort of a worksheet to be able to show the
6 Board and the Legislature how we arrived at the total
7 dollar amount each year under short-term remediation. If
8 the feeling is we don't have to have dollar values for
9 each individual site, then we can have a list of the sites
10 with the number of tires, indicate what year each of those
11 sites will be cleaned up, and then just have a figure at
12 the bottom with the total that we think it would be for
13 that year. It was just a worksheet. It's not a
14 commitment.

15 BOARD MEMBER WASHINGTON: I think, Mr. Chair,
16 that Mr. Paparian is going down the right direction. I
17 mean, I could see you doing it for past sites that you
18 clean up, but to put a number in for future sites might be
19 a bit much for the Legislature.

20 If you don't have enough money in there, they
21 want to know why. "Why did you say this amount?" So it
22 just might be something you can look at in future years.
23 I certainly don't have a problem with doing it in the past
24 years that you fix spots, but I think in the future you
25 need to be very careful as you present this document to

1 the Legislature so that you won't have repercussions or --
2 you know, later down the road you have some issues with
3 the Legislature how you came up with a certain amount and
4 now you have ten sites and you only put in a million
5 dollars, and the million dollars can't clean up ten sites,
6 or whatever the case might be.

7 CHAIRPERSON MEDINA: So, again, we're referring
8 to Appendix D which is on pages 61 and 62.

9 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

10 Yes. Do you want that in as an appendix?

11 CHAIRPERSON MEDINA: Mr. Paparian, do you want
12 that in or out as an appendix?

13 BOARD MEMBER PAPARIAN: I think the way I read it
14 now is it's in with the number of tires associated with
15 each side that needs to be cleaned up. I think that's
16 appropriate. I mean, that's good useful information that
17 I think is quite appropriate for the plan. Where I have a
18 problem is where we call out the specific dollar amounts
19 associated with clean up of those sites because of what I
20 said earlier.

21 I think it's fine to keep it in a form similar to
22 what it is now. We have the site and the number of tires
23 that we're expecting to clean up at those sites.

24 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

25 As we've tried to recast it as the appendix, that

1 shows just what year we would attempt to clean them up in.

2 Sally, could you show the bottom where the total
3 is?

4 MS. FRENCH: The totals were lined out.

5 CHAIRPERSON MEDINA: Board Member Jones.

6 BOARD MEMBER JONES: In our budget we've set
7 aside dollars for cleanup. We may want to put in there
8 "not to exceed" -- you know, "total not to exceed this"
9 because that ties right back to our budget. Without those
10 numbers -- I mean, don't put it per site, but put it at
11 the bottom of the thing "not to exceed as per." I would
12 suggest that would be a way to get them the picture.

13 CHAIRPERSON MEDINA: Okay. Let's do that. Is
14 there any problem with that? Okay. Good.

15 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

16 Then going back to page 24 I think -- I'm sorry.
17 That's the version I have. I think we're getting the
18 pages a little different. Okay. There we go. That's
19 still page 24; right?

20 DEPUTY DIRECTOR LEE: Yes.

21 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

22 Long-term remediation. Staff has put language in
23 here to describe the work done in the Westley site and
24 where we are with the Tracy site remediation. It goes on
25 to the top of the next page where we're describing how we

1 arrived at the amount of funding.

2 Any comments? Questions?

3 CHAIRPERSON MEDINA: Board members, if there's no
4 comments or questions on page 25, we'll move on to page
5 26.

6 DEPUTY DIRECTOR LEE: Chairman Medina, just one
7 point of clarification. Grammatically on the second
8 paragraph under number 2, second sentence where we say "of
9 these seven sites, four were cleaned up by the owners,"
10 one, I'd like to suggest "has been approved" as opposed to
11 "have," and then further along in that sentence the
12 singular "and is awaiting site access."

13 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

14 At the bottom of the page we get into the local
15 government waste tire cleanup grant program. Once again,
16 we're trying to describe what grants would be awarded
17 under what sort of time frame.

18 DEPUTY DIRECTOR LEE: Excuse me, Martha. One
19 other question. On page 25, again, it's not indicated as
20 any change. It's the paragraph right under the one we
21 were just talking about. Talks about IWMB. Second
22 sentence there talks about "new contacts will be entered
23 into and are tentatively scheduled to be presented during
24 an IWMB Board meeting during 2001."

25 Did that take place?

1 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

2 Yes, it did. You want to make that past tense?

3 DEPUTY DIRECTOR LEE: Yes.

4 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

5 "Were entered into." And then we would strike
6 "tentatively scheduled to be presented." Actually, strike
7 the rest of the sentence. Sorry. The whole sentence to
8 the period.

9 CHAIRPERSON MEDINA: You want to read that into
10 the record as it now reads, that whole paragraph.

11 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

12 She's going to enlarge it for a moment, here.

13 "IWMD has existing contracts to carry out short-term
14 State-funded remediation under the waste tire sites. New
15 contracts were entered into. Additionally" -- we need to
16 add something there. "Entered into for 2001-2002." "For
17 Fiscal Year 2001-2002. Additionally, funding will be made
18 available to address waste tire clean up at Native
19 American reservations at the Mexico/California Border."
20 We should make that past tense. "Funding was made
21 available." Of course, it will also be but --

22 BOARD MEMBER PAPARIAN: Mr. Chairman.

23 CHAIRPERSON MEDINA: Board Member Paparian.

24 BOARD MEMBER PAPARIAN: Can you explain the last
25 sentence when you say "there's clean up of illegal waste

1 tire sites. Funding was and will be made available to
2 address tire clean up on Native American reservations." I
3 understand that. And the Mexico/California border, how is
4 the Mexico/California border being singled out? Are we
5 funding projects across the border?

6 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

7 No. We can't fund projects going into Mexico.
8 But there can be work done on the California side, and it
9 might be done in a separate bi-regional whatever approach
10 where we work with the counties along the border. As I
11 understand, I think Chairman Medina has been working with
12 the CalEPA border projects and might give more detail.

13 BOARD MEMBER PAPARIAN: But to you, how is this
14 different from the funding in other -- are we funding --
15 are we emphasizing more on the border? Are we singling
16 the border out? Are we just calling it out so people know
17 we're funding projects along the border?

18 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

19 That language goes back to the first version of
20 the Five-Year Plan where we have been instructed to become
21 involved in the CalEPA border projects and that we were
22 identifying this program as one of the mechanisms that the
23 Board could support CalEPA in its efforts. There were no
24 details given. If you would like more detail, we could
25 try and develop that.

1 BOARD MEMBER PAPARIAN: I'm just trying to
2 understand. For the future, are we going to single out
3 the border area and do some extra emphasis there from this
4 program or -- I mean, why is it being called out?

5 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

6 Because it was directed to have that language put
7 in the original Five-Year Plan.

8 BOARD MEMBER PAPARIAN: So in terms of what the
9 staff is actually doing with that language, I understand
10 it was directed in the first Five-Year Plan. I think I
11 might have had something to do with that. In terms of the
12 real world effect of that language in the last couple
13 years it hasn't really affected the funding one way or
14 another it sounds like.

15 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

16 No. If you mean were there projects done with
17 CalEPA, no. That's not happened. We've done projects in
18 the counties, though, that border those. What's that?
19 Imperial and San Diego.

20 BOARD MEMBER PAPARIAN: But it's not because of
21 this language?

22 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

23 No.

24 BOARD MEMBER PAPARIAN: It's because the counties
25 came forward and said, "We've got some projects that fit

1 under this." It's like Alpine County might have a project
2 or someplace else.

3 CHIEF COUNSEL TOBIAS: Chairman Medina.
4 Kathryn Tobias.

5 I guess -- I think what I would add is what
6 Martha's saying. She has said this is language that was
7 in there from a previous plan so maybe it should be taken
8 out from this one. I do think that we have -- in the tire
9 enforcement program we have looked at two counties in
10 particular to put some additional effort into it, and
11 Imperial County was one of those counties because of the
12 border issues with the tires going back and forth.

13 So I don't know that -- I mean, if that's extra
14 effort, then I guess we do choose one of the counties we
15 did wanted to do intensive work in because of that. But
16 that's also because we have a lot of tires in that
17 particular area to deal with.

18 And I think the funding for Native American
19 tribes, I think that's just been added in. So I don't
20 know that it does any good at this point to leave that
21 language in the plan unless the Board would like to
22 continue calling those areas out for particular emphasis.

23 CHAIRPERSON MEDINA: I would recommend that we
24 leave them in. I know that we have been working with the
25 tribes in regard to removal of waste tires from

1 reservations.

2 And this coming month in April I will be
3 attending a bi-national conference in Mexico where CalEPA
4 has been invited to speak at the conference in regard to
5 the problem of waste tires on both sides of the border and
6 how both sides can collaborate on removing tire piles
7 and -- on the border removing tire piles on the California
8 side of the border and the Mexican states remove the tires
9 on their side of the border, but there's a collaborative
10 effort also.

11 The bank under NAFTA is now funding solid waste
12 projects, and we have some solid waste projects along the
13 border as part of the border efforts that CalEPA has been
14 involved in as well as the Governor's office for some
15 time. We've been participating. We took the tour of the
16 border. I would just be inclined to leave the incentives
17 in there because this is a new area that additional
18 funding will be made available. We don't specify the
19 amount of funding for any specific projects. There's
20 nothing that says we're going to fund the Mexican side.

21 BOARD MEMBER PAPARIAN: Mr. Chairman, I do
22 support keeping it in, and I've supported you all along on
23 your efforts along the border. But I think what we just
24 heard from staff is that the language doesn't carry any
25 special meaning in terms of border work. I think perhaps

1 it should and we should have some language in there that
2 really calls out what extra we're going to do along the
3 border region, especially if you're going to be going and
4 speaking to this next month.

5 CHAIRPERSON MEDINA: Well, until we have some
6 specific language to add in there, I would not -- at
7 this time I don't have any language proposed to add in
8 there.

9 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
10 We could flag it as one of those sections to come
11 back to for a policy discussion.

12 CHAIRPERSON MEDINA: Yes. At this point I would
13 just leave it in in general terms the way you have it. If
14 there's something more specific that needs to be added
15 later, that certainly can be done.

16 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
17 At the bottom of the page we get into a
18 description of the local government waste tire cleanup
19 grant program. It describes the awards done for
20 2002-2003, looking ahead. And it also has the language
21 dealing with Native American sites and Mexico/California
22 borders. We've also added language to say that the
23 criteria for the grant program has been revised to
24 encourage greater participation, but I notice we don't
25 really say how we revised it. We could add that, if

1 necessary.

2 Going on down, page 26, we describe the local
3 government amnesty day program. Talks about what was
4 awarded for the Fiscal Year 2001-'02 and 2002-'03.
5 Emergency reserve account, we just changed the number of
6 the year there.

7 BOARD MEMBER PAPARIAN: Mr. Chairman.

8 CHAIRPERSON MEDINA: Board Member Paparian.

9 BOARD MEMBER PAPARIAN: On the emergency reserve
10 account, we had an extended discussion on this with Terry
11 Jordon and I think the Legal Office as well, and I'm not
12 sure the language in here reflects what at least I
13 understood from Terry Jordon and from the Legal Office.

14 The language I'm looking at is the last sentence
15 there, "If allocated funds are not expended, funds will be
16 reallocated by IWMB for other waste tire related issues."
17 As I understood the quirkiness of the language from the
18 Legal Office and from Terry Jordon, we have to maintain
19 that million dollars in the account. And then if we don't
20 spend it at the end of the fiscal year, we have to
21 allocate a new \$1 million dollars in the following fiscal
22 year that essentially it doesn't really become available
23 for reallocation as I understood it. So I have that as
24 one question.

25 And my other question is that we heard this

1 morning that staff is going to pursue Legislative language
2 changes in at least one area of SB 876, and I wonder if
3 this would be one to get some cleanup language on as well.
4 The cleanup language being that we should maintain the
5 1 million in the emergency reserve, but that we could
6 carry that 1 million over from year to year.

7 So the first question was, is this accurate? And
8 I think that's more Legal Office and Terry Jordon
9 question. The last sentence there, "If the allocated
10 funds are not expended, funds will be reallocated."

11 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

12 That sentence was in the original version of the
13 Five-Year Plan. We can strike it here if you'd like.

14 BOARD MEMBER PAPARIAN: I want to make sure my
15 understanding is right. I think we heard this. I think a
16 lot of us participated in the first Five-Year Plan, and
17 over the couple years we've come to understand it a lot
18 more. This is one of the understandings I have about the
19 accuracy.

20 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

21 I believe you're correct. What we've been told
22 is that we would have to hold it available up to so late a
23 time in the fiscal year that the ability to reallocate is
24 pretty much minimal.

25 CHIEF COUNSEL TOBIAS: I think we can work on

1 some wording on that and get it back to you.

2 CHAIRPERSON MEDINA: Board members, I want to
3 propose we take a break at exactly 3:00, come back at 3:10
4 and then proceed through the rest of the staff corrections
5 and then come back to the various proposed text changes.

6 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

7 I'm sorry. I missed that.

8 CHAIRPERSON MEDINA: We're going to take a break
9 at 3:00 for ten minutes and then come back and proceed
10 from there. May as well take that break now and get an
11 additional minute.

12 (Thereupon a recess was taken.)

13 CHAIRPERSON MEDINA: Members, to expedite this
14 meeting, we'll proceed on the staff changes. If there are
15 any text changes -- not the policy ones that we have yet
16 to go back too, but if there are any particular changes or
17 suggestions that you'd like to make in regard to the staff
18 revisions, if you'd let me know what they are now. Give
19 me the page number and we'll take those in turn.

20 Board Member Jones.

21 BOARD MEMBER JONES: Mr. Chair, on page 48 --

22 CHAIRPERSON MEDINA: Yes.

23 BOARD MEMBER JONES: -- top of the page, we
24 accepted that CSUS's completion of the contract
25 obligation. We ought to strike "copies of the report are

1 available at the following Internet site." We don't do
2 that anywhere else. We ought to take it out there.
3 That's my only one.

4 BOARD MEMBER PAPARIAN: Ex partes?

5 CHAIRPERSON MEDINA: Yes. Ex partes.

6 BOARD MEMBER PAPARIAN: I have one, Mr. Chairman.
7 That's Michael Blumenthal.

8 CHAIRPERSON MEDINA: Very good.

9 Board Member Washington.

10 BOARD MEMBER WASHINGTON: I'm up to date.

11 CHAIRPERSON MEDINA: Board Member Jones.

12 BOARD MEMBER JONES: I'm up to date.

13 CHAIRPERSON MEDINA: I have none to report.

14 So in regard to the deletion of the last sentence
15 of the top paragraph of page 48 "copies of the report are
16 available at the following Internet site," any problems
17 with deleting that? If not, that is deleted.

18 BOARD MEMBER JONES: Mr. Chair.

19 CHAIRPERSON MEDINA: Board Member Jones.

20 BOARD MEMBER JONES: If there's no other
21 comments -- and I'm not hearing from anybody.

22 BOARD MEMBER PAPARIAN: Are we going through the
23 staff -- I got lost here, Mr. Chairman.

24 CHAIRPERSON MEDINA: We are on page 26. So from
25 page 26 through the remainder of the document, are there

1 any pages on which you wish to make any changes? Is
2 there --

3 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

4 To the staff changes?

5 CHAIRPERSON MEDINA: In regard to the staff
6 changes.

7 BOARD MEMBER PAPARIAN: Give me a minute here,
8 Mr. Chairman. I didn't realize that was the process we
9 were going to use.

10 CHAIRPERSON MEDINA: Certainly.

11 So from page 26 through the remainder of the
12 document, which is page 62, are there any changes that you
13 see that need to be made?

14 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

15 Or any flags perhaps?

16 CHAIRPERSON MEDINA: Or any flags.

17 BOARD MEMBER PAPARIAN: Are there going to be
18 some explanatory paragraphs for some new items that were
19 added into the research and market development areas?

20 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

21 Yes. Now that the budget has been approved by
22 the Committee, then we'll make sure that any dollar
23 changes or any additional text descriptions of those
24 activities will be inserted.

25 CHAIRPERSON MEDINA: Board Member Jones, any

1 other changes?

2 BOARD MEMBER JONES: No, sir.

3 CHAIRPERSON MEDINA: I have none.

4 Board Member Paparian.

5 BOARD MEMBER PAPARIAN: No.

6 CHAIRPERSON MEDINA: Board Member Washington.

7 BOARD MEMBER WASHINGTON: I guess just one,

8 Mr. Chair. On page 38 in the State programs, adding up
9 the numbers at the very last paragraph, "4.2 million waste
10 tires." Shouldn't that be 3.2?

11 CHAIRPERSON MEDINA: Is that in reference to the
12 cement manufacturing industry?

13 BOARD MEMBER WASHINGTON: Yeah. This is under
14 market development, the very first paragraph there at the
15 very end of it where it has "4.2 million waste tires."
16 "The cement manufacturing industry consumed 4.2 million."

17 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

18 I think you did find an error in our math, but I
19 believe that first number should be 5.2 because I think it
20 was 1 million in cogent and 4.2 million. We'll have to
21 check. One of those 4.2's is wrong.

22 BOARD MEMBER JONES: Mr. Chair.

23 CHAIRPERSON MEDINA: Let's make that correction
24 then.

25 Board Member Jones.

1 BOARD MEMBER JONES: I'll move we adopt the staff
2 text changes as changed and edited as we've gone through
3 this process with the understanding that the item on
4 page 38, the 4.2, be cleared up to whatever. You've got
5 the supportable information.

6 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

7 There were also two other suggested changes we
8 would be working out to fold in. In that was the CDAA and
9 the emergency reserve. Are those included in --

10 CHAIRPERSON MEDINA: Do we have those ready now?

11 CHIEF COUNSEL TOBIAS: Well, I don't know.

12 Terry, did you want to add the language on there?

13 MS. JORDON: Terry Jordon with the Administration
14 of Finance Division. Good afternoon, Chair and Members.

15 I do have some language for the emergency reserve
16 section. On page 26 under the emergency reserve account,
17 the second paragraph, my recommendation would be that it
18 read as the following: "This emergency reserve account is
19 subject to change, and depending on the need for
20 emergencies that arise, legislation requires IWMB to
21 maintain \$1 million in this account. However, more than
22 \$1 million may be expended on a yearly basis. If
23 allocated funds are not expended, funds will carry forward
24 to the fund balance in the following fiscal year. Each
25 fiscal year a \$1 million reserve must be maintained within

1 the expenditure authority for emergency purposes."

2 CHAIRPERSON MEDINA: We all seem to be in
3 agreement with that. We will adopt that into the staff
4 report.

5 What was the other item that we have?

6 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

7 The other item was on page 16, and it dealt with
8 the CDAA and how to describe its possible inclusion. We
9 have a proposed sentence we would add on page 16 after
10 "this activity will be evaluated during fiscal year
11 2003-'04 for continued funding." We could insert "any
12 future funding for CDAA assistance could be included in
13 the enforcement grant allocation or through the annual
14 reallocation item of the unexpended funds." Just to leave
15 the door open there but to not commit to anything.

16 CHAIRPERSON MEDINA: Any objections to that? Is
17 that acceptable to everyone?

18 BOARD MEMBER WASHINGTON: Yeah.

19 CHAIRPERSON MEDINA: That's acceptable. We'll
20 include that.

21 DEPUTY DIRECTOR LEE: Chairman Medina, I had one
22 other change I wanted to bring to the Committee's
23 attention. On page 54 under Objectives, A, again the date
24 for the paper manifest form, that should be June 2003.
25 Martha?

1 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

2 Correct.

3 CHAIRPERSON MEDINA: Which paragraph is that on?

4 DEPUTY DIRECTOR LEE: This is on page 54 under
5 Objectives, letter A, first sentence. It says, "Develop
6 and test the new paper manifest form by June 2002." The
7 date should be June 2003.

8 CHAIRPERSON MEDINA: Very good. So corrected.

9 CHIEF COUNSEL TOBIAS: Chair Medina. Kathryn
10 Tobias.

11 I understand Mr. Medina had a question on page 4
12 about whether this reflected the language of Kuehl Bill,
13 which I think it does. So I wasn't sure if you had any
14 other comments on that as to what the confusion was or
15 what you thought was not in there.

16 MR. PAPARIAN: It was the last sentence. "The
17 funds allocated shall be equal to 16 percent of the funds
18 budgeted in the Five-Year Plan." And I remember we had
19 some discussion of that at one of our meetings as well as
20 some interpretation from Legal Office. And I'm a little
21 bit fuzzy on my recollection of what the Legal Office
22 said, but I think it might have been that blanket
23 statement that "they shall be equal to" may not have been
24 entirely accurate. If my recollection is wrong, then
25 fine. The language is fine. But if my recollection is

1 right that there was some nuance there, then we might need
2 to change that.

3 CHIEF COUNSEL TOBIAS: Martha, I don't
4 remember --

5 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
6 I believe it was the two-part. We had to make a
7 two-part finding to change it from that 16 percent. And I
8 just think we didn't describe that here.

9 CHIEF COUNSEL TOBIAS: Okay. Do you want that
10 added in then? Basically it says that we can do it at
11 less than 16 percent if there are findings. So you could
12 say "funds allocated shall be equal to 16 percent of the
13 funds," et cetera, et cetera, "unless findings are made by
14 the Board."

15 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
16 "Specific findings."

17 CHIEF COUNSEL TOBIAS: "Unless specific findings"
18 -- or I can craft it more exactly if you'd like using
19 just the language of the bill, which is what is actually
20 here.

21 BOARD MEMBER PAPARIAN: Yeah. I'm looking at the
22 language myself now, and I think that -- I think you cited
23 several things. To the extent possible it's depending on
24 the number of qualified applications and sufficient supply
25 of crumb rubber. It seemed like it was three according to

1 the Legal Office if my recollection is right.

2 CHIEF COUNSEL TOBIAS: What I'll do is take the
3 language out of the memo that I sent to the Special Waste
4 Committee members on January 29th, 2003, wherein the -- on
5 page 2 we basically -- in (a) we have a paragraph on that.
6 So I'll just take language out of that, if that is
7 acceptable to the Board. I won't say anything new, but
8 I'll take that language and put it in here.

9 BOARD MEMBER PAPARIAN: Sounds good.

10 CHAIRPERSON MEDINA: Let's do that. Take the
11 language right out of it. Thank you very much.

12 We have a motion on the floor. Is there a
13 second?

14 BOARD MEMBER WASHINGTON: Mr. Chair, just
15 before -- I'll second the motion, but I want to make sure
16 on page 45, Martha, number 6, the rubberized asphalt
17 activities, I just want to see if this was a typo in the
18 underlying at the very bottom, "Further, staff will pursue
19 a specification preference in Caltrans bidding process for
20 using RACA; is that correct?

21 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

22 You're right. That's sort of half way between
23 one thing and another. I believe that last "A" is
24 incorrect.

25 BOARD MEMBER WASHINGTON: Okay. We use a lot of

1 acronyms around here. I just wanted to make sure that was
2 correct.

3 CHAIRPERSON MEDINA: So just to be clear -- just
4 to be clear for the record, you want to read that
5 correction.

6 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

7 "Further, staff will pursue a specification
8 preference in Caltrans bidding process for using RAC made
9 from California-produced crumb rubber."

10 CHAIRPERSON MEDINA: Okay. Good catch, Board
11 Member Washington, who has seconded this motion.

12 And call the roll.

13 SECRETARY HARRIS: Jones?

14 BOARD MEMBER JONES: Aye.

15 SECRETARY HARRIS: Paparian?

16 BOARD MEMBER PAPARIAN: Mr. Chairman, could I ask
17 you, what's your intention with regard to my
18 recommendations at this point?

19 CHAIRPERSON MEDINA: We're going back. We're
20 going back, and we'll be taking each of your
21 recommendations in turn.

22 BOARD MEMBER PAPARIAN: So until those are in, I
23 have to vote no.

24 SECRETARY HARRIS: Washington?

25 BOARD MEMBER WASHINGTON: Aye.

1 SECRETARY HARRIS: Medina?

2 CHAIRPERSON MEDINA: Aye.

3 Okay. The staff text changes have been approved
4 as made, and we will now go on to the suggested Board
5 member changes beginning with Roman numeral IV.

6 Under Roman numeral IV, Mr. Paparian, you want to
7 take those in turn?

8 BOARD MEMBER PAPARIAN: Yeah. Given my track
9 record today and last time, I'd be happy if you want to
10 just do an up or down vote on the whole package to help us
11 get out of here more quickly.

12 CHAIRPERSON MEDINA: I think some of these are
13 worth discussing because these are the major policy
14 changes. These are the issues that the Board properly
15 takes up. I think we can do them all fairly quickly.
16 Some of these will involve no debate at all and others
17 will involve some discussion.

18 BOARD MEMBER PAPARIAN: First item on language 4
19 is to make the language consistent with the way the
20 language is approached in Items 1 and 2 right above it.
21 Neither of them have long explanations of how the items
22 are going to be accomplished. They just describe very
23 briefly what the items are, "eliminating legal and illegal
24 piles, identifying and tracking the used and waste tire
25 flow," and number 3 would be, "reduce illegal disposal of

1 waste tires."

2 CHAIRPERSON MEDINA: Members, any response to any
3 of those?

4 BOARD MEMBER JONES: Personally, Mr. Chair, I
5 think I'd like to leave it just the way it was because
6 this is -- we have six major goals. As long as we don't
7 take out how we're going to get there further down, then
8 I'll take his change.

9 CHAIRPERSON MEDINA: Member Washington.

10 BOARD MEMBER WASHINGTON: I'm fine with that.

11 CHAIRPERSON MEDINA: We will adopt the proposed
12 text change proposed by Board Member Paparian on number 3
13 which will read "to reduce legal and illegal disposal of
14 waste tires in California."

15 Top of Page 1, the introduction.

16 BOARD MEMBER PAPARIAN: Hopefully that's a
17 neutral-sounding paragraph that provides some
18 international and national context for this whole thing.

19 BOARD MEMBER JONES: Mr. Chair.

20 CHAIRPERSON MEDINA: Board Member Jones.

21 BOARD MEMBER JONES: I have no problem with the
22 paragraph. I think it should be a second paragraph and
23 not a first paragraph because some of this -- when you
24 start looking at what other countries do, they've got some
25 nuances that aren't the same as what we do.

1 You know, when France is dictated by the European
2 Union to reduce waste by a percentage and they just
3 declassify all their landfills on their 100,000 tons and
4 don't call them landfills anymore, I'm not sure I feel
5 real comfortable with that because waste is still going in
6 all the sites.

7 And the same with some of the language, I'm just
8 not sure. But this as the second paragraph I wouldn't
9 have a problem with.

10 CHAIRPERSON MEDINA: Very good. I would tend to
11 support that, just that we should begin the introduction
12 with addressing California.

13 Board Member Paparian, any problems with that
14 being a second paragraph rather than a first paragraph?

15 BOARD MEMBER PAPARIAN: That's fine.

16 CHAIRPERSON MEDINA: That will become the second
17 paragraph then.

18 Move on to the next proposed text change.

19 BOARD MEMBER PAPARIAN: Just provides a little
20 further elaboration of what happens to tires in
21 California.

22 CHAIRPERSON MEDINA: Any problems with that?

23 BOARD MEMBER JONES: Do we know it's 3.1 million
24 tires?

25 BOARD MEMBER PAPARIAN: I got that, I believe,

1 from the staff.

2 MS. FRENCH: We could check it, but it sounds
3 right.

4 DEPUTY DIRECTOR LEE: We'll double check the
5 number, but we believe that's the appropriate number.

6 CHAIRPERSON MEDINA: Very good. We will include
7 that. If there are no objections with the proper
8 number -- with the number listed in there being verified
9 and if correct to remain, if not, to be changed to the
10 correct number.

11 Bottom of Page 1.

12 BOARD MEMBER PAPARIAN: That takes then as a
13 patch the bottom through Page 2. And those are things
14 that I think help provide some overall context and overall
15 performance measures that would help in both guiding and
16 evaluating the tire program. So I think it's a package.

17 CHAIRPERSON MEDINA: Okay. Board members, if you
18 agree to those.

19 BOARD MEMBER JONES: Are you saying that we
20 either take it all or none of it?

21 BOARD MEMBER PAPARIAN: That would be my
22 preference. I think it hangs together. Yeah.

23 BOARD MEMBER JONES: Okay. I got a problem with
24 parts of it so I can't support it.

25 CHAIRPERSON MEDINA: Having read through this,

1 Board Member Paparian, the thing that I would not support
2 would be number 5, the quarterly waste tire round table
3 discussions. I can see round table discussions, not
4 necessarily on a quarterly basis.

5 BOARD MEMBER PAPARIAN: So if it was regular
6 discussions or periodic or biennially?

7 CHAIRPERSON MEDINA: "Conduct waste tire round
8 table discussions," and then leave it up to -- I guess I
9 would leave it up to the discretion of the Board as to
10 when we would call for the round table discussions.

11 BOARD MEMBER PAPARIAN: That's fine with me if
12 that helps get the whole thing through.

13 CHAIRPERSON MEDINA: So I would say, "conduct
14 waste tire round table discussions as called for by the
15 Board" or "conduct quarterly round table discussions with
16 stakeholders as requested by the Board to review progress
17 of the waste tire program." Just reworking that sentence.
18 Just leave it up to the discretion of the Board as to when
19 to call the round table discussion. That gives
20 Mr. Paparian and other Board members an opportunity to
21 call for a round table discussion.

22 DEPUTY DIRECTOR LEE: Excuse me, Chairman Medina.
23 The wording on number 5 is to "conduct periodic waste
24 tire"?

25 CHAIRPERSON MEDINA: Yes. "As requested by the

1 Board."

2 BOARD MEMBER JONES: Mr. Chair.

3 CHAIRPERSON MEDINA: Yeah.

4 BOARD MEMBER JONES: When I asked if it was up or
5 down on the whole thing -- I just have a question on the
6 top of page 2. When it says that "The Board has an
7 ambitious goal of zero waste where all parties strive to
8 reduce, reuse, and recycle all waste back into nature and
9 the marketplace in a manner that's protective of the
10 health and safety and public health and the environment
11 and honors principles of the solid waste hierarchy," I
12 have no problem with that on its face value, but I'm not
13 sure how Mr. Paparian interprets that.

14 And we all know there's been a lot of effort to
15 do away with parts of the management that we offer or that
16 are offered in the state of California. And I'm wondering
17 if this isn't some kind of a precursor to eliminate the
18 use of TDF. You know, depending upon the answer, maybe
19 that changes what I'm thinking.

20 BOARD MEMBER PAPARIAN: Hold on a second.

21 CHAIRPERSON MEDINA: Meanwhile, Board Member
22 Washington, do you see anything there that you'd like to
23 see changed or any items under that that you'd like to --

24 BOARD MEMBER WASHINGTON: I just want to get
25 Mr. Paparian to clarify under the Strategic Plan that he

1 have listed where it talks about Board members and staff
2 will work with other states and localities, interested
3 parties. And then it says under "Pursuant to Board
4 Strategic Plan Goal II, Board members and staff will
5 develop," and I just want to get some clarification in
6 terms of what direction when he said "Board members and
7 staff would develop and implement a plan to encourage
8 greater use of recycling content tire products." And I
9 guess, Mr. Paparian, I'm asking you to interpret what
10 level when you say "Board members and staff."

11 BOARD MEMBER PAPARIAN: Whichever may be
12 appropriate. I think that there's cases where virtually
13 every member of the Board has gotten actively engaged in
14 some important program where it really benefits the
15 outcome of the program and many, many more cases where
16 it's more appropriate for the staff to be the active
17 engaging party.

18 BOARD MEMBER WASHINGTON: And I guess that's
19 where I wanted to go in terms of making sure that staff is
20 given the opportunity through this, and not Board members
21 pretty much in micro-management type of way trying to
22 oversee -- I mean, I just want to make sure I'm clear that
23 that's not where we're going when you say "Board members
24 and staff will develop and implement."

25 BOARD MEMBER PAPARIAN: I mean, there may be a

1 role for Board member involvement. For example, you
2 brought up why don't we just call up the manufacturers and
3 get them to do A, B, C. That would be an inappropriate
4 thing for Board members to do.

5 BOARD MEMBER WASHINGTON: Okay.

6 BOARD MEMBER PAPARIAN: You know, engaging with
7 the manufacturers, perhaps even engaging with counterparts
8 in other states, although probably more often than not
9 that would be a staff function.

10 CHAIRPERSON MEDINA: What I would recommend on
11 that one is that we have that read "The California
12 Integrated Waste Management Board will begin a dialogue
13 with the tire industry on product stewardship issues
14 related to tires." And just by saying "the Board," that
15 doesn't mean the Board members. That means, you know, the
16 whole organization.

17 BOARD MEMBER PAPARIAN: Changing "Board members
18 and staff" to "CIWMB."

19 CHAIRPERSON MEDINA: Yeah. It says "to begin a
20 dialogue." Have we not initiated a dialogue already? If
21 we have, then I would change that to "continue a
22 dialogue."

23 BOARD MEMBER PAPARIAN: Not in the manner
24 envisioned, I think, in the Strategic Plan.

25 We do occasionally talk to the tire

1 manufacturers. They came here and they testified before
2 the Special Waste Committee last August. We had a very
3 fruitful discussion I think at that point. But I think
4 that's different than what's happened, for example, with
5 the Waste Prevention and Market Development staff and the
6 carpet industry or some others of us in the electronics
7 industry. It's kind of taking it to a different level
8 than just your phone calls back and forth or occasional
9 discussions. It's trying to engage other localities,
10 other states, and other interested parties.

11 CHAIRPERSON MEDINA: So from your perspective,
12 Mr. Paparian, we have not begun that dialogue yet?

13 BOARD MEMBER PAPARIAN: On product stewardship as
14 envisioned in the Strategic Plan, no.

15 CHAIRPERSON MEDINA: Then let the word remain
16 that "CIWMB will" -- let's say "initiate a dialogue with
17 the tire industry on product stewardship issues related to
18 tires."

19 And then going back up, Mr. Jones had asked a
20 question in regard to the introductory sentence at the top
21 of the page.

22 BOARD MEMBER PAPARIAN: I think we haven't gotten
23 to the hierarchy discussion in here. But I think
24 that's -- the principles of the hierarchy are something
25 that are throughout the Board, not everything that we do.

1 So --

2 BOARD MEMBER JONES: I mean, the hierarchy is
3 reduce, reuse, and recycle, environmentally-safe
4 transformation and landfill. That's the hierarchy. So if
5 that's the hierarchy you're talking about here where
6 they're all equal, then I'm okay. If we're going to
7 preclude some of them, then I got a problem with that.

8 BOARD MEMBER PAPARIAN: The hierarchy doesn't
9 make them all equal or it wouldn't be a hierarchy. It
10 would be a horizontal something or other. The hierarchy
11 is reduce, reuse, recycle. That's the hierarchy.

12 BOARD MEMBER JONES: What's the rest of the
13 hierarchy, though? You always stop.

14 BOARD MEMBER PAPARIAN: Environmentally safe -- I
15 mean, I think you know 40051 as well as I do. It's
16 environmentally-safe transformation and
17 environmentally-safe land disposal that coequals at the
18 bottom of the hierarchy.

19 BOARD MEMBER JONES: It's all part of the
20 hierarchy.

21 MR. PAPARIAN: But it's at the bottom of the
22 hierarchy. Yeah.

23 CHAIRPERSON MEDINA: From the Strategic Plan
24 is -- the wording that we have here, is that reflected in
25 the Strategic Plan, anywhere in the Strategic Plan? Or

1 similar wording to this?

2 DEPUTY DIRECTOR LEE: You're talking about the
3 zero waste goal or which particular --

4 CHAIRPERSON MEDINA: Yes. Well, I know that
5 somewhere we have language written in regard to the zero
6 waste goal.

7 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
8 We can check. Which goal number?

9 CHAIRPERSON MEDINA: I don't have a goal number.
10 Mr. Paparian.

11 BOARD MEMBER PAPARIAN: Well, it's in the
12 introduction, the executive summary, as well as one of the
13 goals. It might be 5 or 6.

14 CHAIRPERSON MEDINA: And I know that this is an
15 area that we had --

16 BOARD MEMBER PAPARIAN: 7.

17 CHAIRPERSON MEDINA: -- significant debate and
18 discussion among our respected Board members here, Board
19 Member Jones and Board Member Paparian. And so I know
20 that when we were finalizing the Strategic Plan, you know,
21 we had this dialogue. So I'm just wondering what actually
22 got into the Strategic Plan.

23 DEPUTY DIRECTOR LEE: Chairman Medina, while
24 Martha's looking through the Strategic Plan to see if we
25 can find that particular citation, I just want to bring up

1 one other potential question I have.

2 I think Martha began the presentation kind of
3 discussing what our understanding, what staff's
4 understanding was with regard to what a performance
5 measure was. From our understanding, many of the
6 suggestions here on page 2 by Mr. Paparian fall more under
7 the -- appear to us to be more of objectives or goals as
8 opposed to performance measures, per se. I wanted to see
9 if that was the opinion of any of the other, you know,
10 Committee members.

11 CHAIRPERSON MEDINA: Any response, Board members?

12 BOARD MEMBER PAPARIAN: I think it's consistent
13 with the language of many of the performance measures.

14 BOARD MEMBER JONES: But this was a new section
15 of performance, right, added to the introduction. There
16 was no existing language in the introduction.

17 BOARD MEMBER PAPARIAN: There are no overall
18 performance measures in the last Five-Year Plan. I don't
19 think we're precluded from altering performance measures
20 as was already done a few minutes ago or adding
21 performance measures as I hope to do.

22 CHAIRPERSON MEDINA: Actually, under the Waste
23 and Used Tire Hauler Program Manifest System there are
24 performance measures there, but not for the plan as a
25 whole.

1 BOARD MEMBER PAPARIAN: In the existing plan
2 that's correct. And I think it's --

3 CHAIRPERSON MEDINA: There's performance measures
4 under market development, under research.

5 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

6 Each of the individual elements have performance
7 measures, but Mr. Paparian is correct that the overall
8 plan did not have a set of performance measures.

9 The concern here is that perhaps he's blended
10 language here that contains goals, objectives, and
11 performance measures and might make it a little difficult
12 down to road to know exactly where we started and what
13 yardstick we're using to measure how far we've progressed.

14 BOARD MEMBER PAPARIAN: Many of the performance
15 measures in here are -- you can apply that same argument
16 to. You know, like the performance measures on page 49,
17 "improve grant administration by streamlining the grant
18 administration process by identifying time-consuming
19 and/or unnecessary steps." Why would that be different
20 than the way some of this is? Or "level of satisfaction
21 with grant management based on staff surveys conducted
22 when the grants and contracts close," why would that be
23 different than "an evaluation will be conducted of the
24 potential environmental justice implications of the tire
25 program"? I mean, that's -- there's a measurable there in

1 what's staff is proposing and those market development
2 items that I just read, and there's a measurable here in
3 each of these items.

4 DEPUTY DIRECTOR LEE: I think most of our other
5 performance measures on the other elements have more of a
6 quantifiable element. You've picked out some exceptions.
7 But I'd say those are literally the exceptions rather than
8 the rule.

9 Again, we're just looking for something down the
10 road. We don't have questions, again, about the fact that
11 these are objectives or goals. But, again, like I say for
12 performance measure, per se, there was some question in
13 our mind about whether or not they qualified as that.
14 Perhaps labeling the overall -- rather than labeling them
15 as performance measures, we qualify them under some other
16 characterization.

17 CHAIRPERSON MEDINA: What I would suggest in that
18 area is this: We do a paragraph in regard to why
19 performance measures are called for in the Five-Year Plan
20 and then make a statement that under the different areas,
21 enforcement, regulations, cleanup, abatement, research,
22 market development, waste and used tire hauler program
23 that performance measures are required.

24 I think there isn't a need to repeat the
25 performance measures at the beginning when we have them

1 included throughout the text of the document. But just to
2 make a mention that performance measures are required in
3 the following areas and that these specific performance
4 measures can be found under those areas.

5 BOARD MEMBER JONES: So, Mr. Chair, I got no
6 problem with that. So what? We just create another
7 paragraph in lieu of all of this gray area.

8 CHAIRPERSON MEDINA: Exactly. Just make the
9 reference in the -- somewhere in the introduction the
10 Five-Year Plan calls for performance measures in those
11 following areas and that they can be found under those
12 areas as some commitment to meet the performance measures.

13 BOARD MEMBER PAPARIAN: So what happens to my
14 five recommendations there? That that's still in there,
15 but you're adding explanation?

16 CHAIRPERSON MEDINA: I think we need to make a
17 mention of the plan requiring performance measures without
18 stating what's already in the report in regard to
19 performance measures.

20 BOARD MEMBER PAPARIAN: So none of these five are
21 in the report so they would be maintained?

22 CHAIRPERSON MEDINA: So are these new performance
23 measures that you're --

24 BOARD MEMBER PAPARIAN: Yes.

25 CHAIRPERSON MEDINA: -- that you're calling for?

1 BOARD MEMBER PAPARIAN: Yes. That don't fit
2 neatly into any of the specific program areas.

3 CHAIRPERSON MEDINA: Did the initial five-year
4 tire report require -- did they specify the performance
5 measures? Have we added to the performance measures as we
6 have reviewed the Five-Year Tire Plan?

7 BOARD MEMBER PAPARIAN: We've altered them, yes.

8 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

9 SB 876 did direct that the Board would include
10 performance measures in the Five-Year Plan to determine
11 progress in achieving its goals and objectives. I don't
12 believe it specified how those performance measures were
13 to be included.

14 I believe during the development of the last
15 Five-Year Plan it made sense to have each goal and
16 objective listed under those elements that have its own
17 performance measure. But I don't think it precludes us
18 from trying to introduce some overall program goal and
19 then a performance measure.

20 Our concern was that these seemed to be blended
21 together and would, I think, be easier for staff to
22 implement if we could set out clear overarching goals,
23 objectives, strategies, and then performance measures that
24 meet each of those.

25 CHAIRPERSON MEDINA: I do think we need some

1 language in the Five-Year Plan specifically that says --
2 that refers to the performance measures, and then that we
3 have the debate and discussion as to the additional
4 performance measures that Mr. Paparian is suggesting. I
5 personally would drop out the introductory paragraph about
6 "The Board has an ambitious goal of zero waste."

7 And, Board Member Paparian, if you are proposing
8 additional performance measures other than the ones that
9 we already have, then, you know, I'm prepared to have a
10 discussion on those recommended performance measures.

11 BOARD MEMBER PAPARIAN: These are the
12 performance -- yeah.

13 And if you want to have further discussion, I
14 think that's good.

15 These are the five performance measures I'm
16 proposing. The reason the zero waste thing is in there is
17 that's at the heart of our Strategic Plan, and it's not
18 mentioned anywhere else in the Five-Year Tire Plan.

19 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

20 We had an earlier question about the wording.
21 Would you like me to read the goal 7 language now?

22 BOARD MEMBER PAPARIAN: If you read the
23 introduction to the Strategic Plan and the other
24 background, yes.

25 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

1 What is the pleasure of the chair?

2 CHAIRPERSON MEDINA: You said number 7? Which
3 number 7 was that?

4 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

5 Goal 7 was the zero waste goal.

6 CHAIRPERSON MEDINA: Go ahead. If you'll just
7 read that, please.

8 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

9 The language in the Strategic Plan that I have
10 here is page 11, goal 7, "promote a zero waste California
11 where the public, industry, and government strive to
12 reduce, reuse, or recycle all municipal solid waste
13 materials back into nature or the marketplace in a manner
14 that protects human health and the environment and honors
15 the principles of California's Integrated Waste Management
16 Act."

17 That was, I believe, the genesis for the language
18 in that first paragraph.

19 CHAIRPERSON MEDINA: Given how close the
20 languages are and -- we should either use that existing
21 language or we should omit that language from this section
22 and just make a mention of why performance measures are
23 called for by the Act, whether important, the fact we're
24 doing them. And then just basically in regard to the five
25 that Board Member Paparian is proposing, just vote those

1 five up or down.

2 I would not take all five as the group because I
3 think that whereas one might have merit, other four might
4 not. But I think that to just say adopt all five or none,
5 I think some of those might have merit and want consider
6 them one by one.

7 BOARD MEMBER JONES: That would work.

8 Mr. Chair.

9 CHAIRPERSON MEDINA: Yes.

10 BOARD MEMBER JONES: The first one. You know, if
11 you change -- right now it says, "The Board will enhance
12 existing efforts." So that's a goal or an objective.
13 It's not a performance measure. You need to change that,
14 "the Board." There's some way to measure what we've done
15 as the Board.

16 So, you know, I mean, I think some of this stuff
17 goes through if we just change the wording to reflect the
18 difference between a performance measure and an objective.
19 And that one's pretty easy.

20 You know, I mean, the Board can record and report
21 or they can -- actually, they need to do more than that.
22 They could --

23 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

24 Do you want to set as a goal actually entering
25 into any of these cooperative relations and give us a time

1 or a date? You know, say, "by 2005 the Board will enter
2 into a cooperative relations," something along that line?
3 Or how about the plan? There's some elements in here of
4 things that we're supposed to do, whether it's the
5 cooperative relations or development of a waste tire
6 abatement plan. It doesn't actually talk about cleanups
7 specifically. But if we try to enumerate which each of
8 those were --

9 CHAIRPERSON MEDINA: In regard to number 1, let's
10 just take one aspect of it. For example, the development
11 of a waste tire abatement plan with U.S./Mexico
12 authorities, the purpose of the conference that I will be
13 attending at the request of CalEPA next month is
14 specifically to initiate a process whereby California and
15 the Mexican border states can begin the process for
16 developing some sort of a plan.

17 But that's going to depend on an agreement. It's
18 going to be needed to be signed by the secretary and the
19 Mexican authorities subject to approval of the Governor.
20 So it's -- I'm all in favor of doing -- of developing such
21 a plan with them. But I think that we're kind of
22 premature in that we're only now beginning the process for
23 discussing this with the Mexican authorities.

24 BOARD MEMBER PAPARIAN: Mr. Chairman, I think
25 you've brought this issue to the Board before, and I think

1 it was thanks to your efforts that goal 4, objective 6 of
2 the Waste Board Strategic Plan specifically calls for what
3 you just talked about. It calls for coordinating with
4 U.S./Mexican authorities in developing and implementing a
5 waste tire pile abatement plan focusing on stockpiles
6 posing an immediate fire threat to the Board or
7 environment.

8 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

9 Could I make a proposal here? Some of that
10 language --

11 CHAIRPERSON MEDINA: Well, I think that what we
12 need, again, is a way to measure that. I mean, the
13 language can remain wherever else it appeared. But are we
14 ready to measure that yet?

15 BOARD MEMBER PAPARIAN: In a way similar to many
16 of the performance measures that you adopted half an hour
17 ago, yes. We can measure whether we are doing that or
18 not.

19 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

20 I know this suggestion came from the staff, and
21 maybe I can help here a little.

22 If you look at page IV -- Roman numeral IV, we
23 have six major goals that were established for this
24 program. It seems to me if we want to make a major
25 program to include working on Mexican border issues, some

1 of the language that shows up here on page 2 under
2 performance measures would do better as a seventh goal
3 here. Put the language in there.

4 And under the performance measure we would say
5 something about entering into an agreement or conduct
6 training or implement educational efforts, something
7 specific in this section with the goal language put under
8 these six, now to be seven, major goals. I think that
9 would help in our understanding and implementation of the
10 plan.

11 CHAIRPERSON MEDINA: I would tend to agree with
12 you that we need appropriate language for a goal and then
13 appropriate language to measure performance in regard to
14 that goal.

15 DEPUTY DIRECTOR LEE: Mr. Paparian, does that get
16 at some of your concerns on number 1?

17 BOARD MEMBER PAPARIAN: Depending on how we
18 develop -- if you keep the intent of number 1 in both the
19 goal and the performance measures, then yes. If somehow
20 everything can slide over to the goal and there's no real
21 performance measures, then I would have an issue. If we
22 keep the intent there on both the goal and performance
23 measures, I would be okay.

24 CHAIRPERSON MEDINA: Now I would not have a
25 problem with making number 1 goal number 7 and then having

1 language under the section of performance goals that we
2 will measure performance under that goal.

3 DEPUTY DIRECTOR LEE: We'll make those changes,
4 Chairman Medina.

5 BOARD MEMBER JONES: Mr. Chair.

6 CHAIRPERSON MEDINA: Board Member Jones.

7 BOARD MEMBER JONES: Number 2 -- because I think
8 we've solved the first one. Number 2 under performance
9 measures said, "An evaluation will be conducted of
10 potential environmental justice impacts of the tire
11 program, and the Board will review the material and take
12 any appropriate action as called for in the Strategic
13 Plan." That sounds like that's setting out a goal or an
14 objective.

15 Aren't we doing some of this or isn't -- isn't
16 some of this cumulative in some of the -- I mean, what are
17 we trying to -- I understand what you're trying to do, but
18 I think there's got to be a way -- this is asking for us
19 to do an evaluation which sounds to me like it's just
20 another task. And I'm wondering how that fits under
21 performance measure. I have no problem with doing the
22 work, but I don't know if we're doing it.

23 MS. FRENCH: Martha, is that close to goal number
24 6? Is performance measure number 2 --

25 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

1 If I understand, each of the program elements has
2 some linkage to environmental justice, whether it's under
3 the grants and having the grantees comply with
4 requirements of environmental justice or the way the
5 permit issuance is done.

6 This, I think, is beyond that. It's not
7 specifically linked to any project or program. It's to
8 look at the overall tire program. And I'm not sure if
9 it's really a performance measure. I think it's an
10 assessment of the program. But that would have to look at
11 all permitting issues, all grant issues, research, market
12 development, or is this to be done step by step under each
13 of the program elements?

14 BOARD MEMBER PAPARIAN: No. I think it's more of
15 a broad brush overall look at the program. It would
16 include the various elements of the program. It would be
17 brought back to the Board. And based on the evaluation
18 that might -- the conclusion might be there are no
19 environmental justice implications of anything we're doing
20 where we need to take some steps or different actions. Or
21 it could be that in this process we've identified some
22 issues that the Board needs to take a look at, in which
23 case the Board would take a look at those.

24 DEPUTY DIRECTOR LEE: Is this an effort that we
25 could conduct in-house in your opinion?

1 BOARD MEMBER PAPARIAN: I think it could be done
2 in-house or it could be done outside. I think if it was
3 down in-house I think that there's -- you know, the CalEPA
4 Environmental Justice Office that I'm sure would be happy
5 to assist. They've been working with our policy office
6 already on some environmental-justice-related issues.

7 So, I mean, I don't specify in here the
8 mechanism, whether it's the policy office, whether it's
9 the tire office, whether it's the Legal Office. I don't
10 specify that. I think that comes later. What is
11 specified is the request that we do an evaluation of
12 environmental justice issues associated with the tire
13 program.

14 DEPUTY DIRECTOR LEE: I know that you've brought
15 up this issue at other Committee meetings, and I think
16 we've had some private conversations that try to explore
17 this a little bit further. I think that the tire program
18 as a whole has some good things to say with regards to
19 environmental justice.

20 I just want to make sure that, you know -- I
21 think Martha's already touched on a few of these. Our
22 grant programs, a lot of the cleanup and amnesty day
23 grants are focused in low income or sparsely developed
24 rural areas, underserved areas. So we know we're doing
25 something that's definitely perceived as an environmental

1 benefit to the community. There's not -- usually you're
2 not going to find a lot of tire piles in the higher income
3 areas.

4 Is there a particular part of the program -- and
5 again, we've tried to touch on these and some of the
6 individual elements of the program. Is there some
7 particular perspective that you see that we have been --
8 that we have not followed up on the environmental justice
9 concerns that you wanted to bring to our attention?

10 BOARD MEMBER PAPARIAN: I think the evaluation
11 would be the mechanism to look at that. I'm not --
12 there's not a hidden agenda here where I think I've got a
13 "gotcha" on this. I think that it's the type of thing
14 that certainly I envisioned as we were developing this
15 goal and the Strategic Plan. I can't speak for other
16 Board members.

17 I think that we did have discussions about
18 wanting to assure that all of our programs are sensitive
19 to environmental justice issues, that look at
20 environmental justice issues, and that if there are any
21 environmental justice concerns that those are brought back
22 to the Board. And this is a way to do that.

23 CHAIRPERSON MEDINA: Here's my recommendation on
24 page number 2. I think that it touches on a lot of good
25 issues. And, however, I don't think it's written in a way

1 that it's a performance measure consistent with the way
2 that performance measures are written throughout the
3 document.

4 So what I would suggest is that we put this aside
5 for now and let Mr. Paparian work with staff such that we
6 can come back with language in regard to these areas and
7 that they read consistent with the other language that we
8 have for performance measures and that we do some
9 introductory sentence as to why we need -- as to why
10 performance measures are called for in the plan.

11 BOARD MEMBER JONES: That's fine with me. Is
12 that okay? It's okay with me.

13 CHAIRPERSON MEDINA: And Board Member Washington?
14 It's fine with him. So we'll move on.

15 Mr. Paparian, is it all right with you if we move
16 beyond that one and if you would meet with staff in regard
17 to writing those such that they are consistent with
18 performance measures that are written throughout the plan
19 in language that is consistent with the language for
20 performance measures.

21 BOARD MEMBER PAPARIAN: Just so I understand,
22 we'll keep the general thrusts of all of these five.
23 We'll change the language so they're more descriptive and
24 goal-like, and we'll add performance measures which track
25 the type of language that exists for other performance

1 measures in the plan. Am I understanding?

2 CHAIRPERSON MEDINA: If these are -- if you're
3 calling for performance measures, I think that's exactly
4 what we have to ask for under each one of those. We can't
5 combine goal and performance measures. I think that if
6 we're calling for a -- if we want to measure the
7 performance of a particular goal then, you know, we need
8 to quantify it or however we have it written. Just
9 looking at that one, for example, that says "track the
10 number of illegal sites that are closed or become
11 permitted, increase the number of applicants" -- they give
12 some numbers in there.

13 BOARD MEMBER PAPARIAN: So you want something
14 that's quantifiable and measurable associated with each of
15 these and that these wouldn't be numbered as performance
16 measures? We make them more descriptive or goal-like?

17 CHAIRPERSON MEDINA: Well, my question -- because
18 you had it under the title "overall performance measures."
19 If, indeed, you want performance measures for these items,
20 then I would see these areas reflected somewhere in the
21 plan. But the specific performance measures for those
22 included under performance measures.

23 BOARD MEMBER PAPARIAN: I'm sorry. I'm not
24 trying to belabor this. I'm trying to understand what my
25 charge is in working with the staff.

1 There are some of these things that don't fit
2 neatly into manifests or research or another item. That's
3 why --

4 CHAIRPERSON MEDINA: Then I think we have to make
5 it clear, for example, that if they don't fit under any
6 one of those items, that when it goes to the Board that
7 the Board is clear that you're adding new areas and that
8 you're adding -- that you're also requesting performance
9 measures for those areas.

10 BOARD MEMBER PAPARIAN: Okay. But again, the
11 charge is to come up with performance measures associated
12 with each of these five items and then try to fit them
13 into the rest of the plan if we can? If not, bring them
14 to your attention.

15 CHAIRPERSON MEDINA: Exactly.

16 And in regard to the language at the top of the
17 page, I would either use the language that's in the
18 Strategic Plan or just omit it from this.

19 And with that, can we move on to page 5?

20 BOARD MEMBER PAPARIAN: We didn't decide to omit
21 that. You have it struck out.

22 MS. FRENCH: Zero waste was not struck out?

23 CHAIRPERSON MEDINA: Do we have zero waste
24 mentioned anywhere else in this document?

25 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

1 No. The original document was prepared before
2 the Board had gotten into the zero waste issue.

3 CHAIRPERSON MEDINA: My recommendation would be
4 to include it somewhere in the Five-Year Plan the language
5 referencing zero waste in the Strategic Plan. Doesn't
6 have to be at the start of this, but somewhere in the
7 document.

8 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

9 We could work with Member Paparian on the
10 language for these performance measures trying to tease
11 out goals versus measures and perhaps also work on
12 language for zero waste.

13 CHAIRPERSON MEDINA: Very good. With that, we'll
14 move on to page 5.

15 BOARD MEMBER JONES: I got no objection to that.

16 CHAIRPERSON MEDINA: Okay. No objection from
17 Board Member Jones. No objections from myself. We'll
18 include those text changes on page 5.

19 Page 7. Here on page 7 we enter into the
20 hierarchy. And that reads, "For the purposes of the
21 Five-Year Tire Plan, the same hierarchy used for all solid
22 waste will be applied to waste tires, specifically the
23 hierarchy from Public Resource Code 40051, AB 939."

24 Response to that.

25 BOARD MEMBER JONES: That includes -- Kathryn,

1 that code that's being referred to on page 7, shaded, "the
2 hierarchy for all solid waste will be applied to the waste
3 tire, specifically the hierarchy of PRC 40051 of AB 939,"
4 reduce, reuse, recycle, environmentally-sound
5 transformation and land disposal; correct?

6 CHIEF COUNSEL TOBIAS: Right.

7 BOARD MEMBER JONES: Okay.

8 CHIEF COUNSEL TOBIAS: With the quotas.

9 CHAIRPERSON MEDINA: So no objection to that?

10 BOARD MEMBER JONES: I don't know why we didn't
11 leave the first one in. I'm trying to figure out -- the
12 next one, the one he wants to strike, it includes the
13 hierarchy. And it says, "to maximize productive uses of
14 waste and used tires and the performance objectives and
15 measurements criteria used by IWMB to evaluate the success
16 of its waste tire recycling programs." So that seems a
17 lot more specific than what is here. And that goes back
18 to the idea of checking our work. I mean, we do have
19 objectives and measurements. So I don't know why we would
20 want to strike that.

21 CHAIRPERSON MEDINA: Any reason why you changed
22 that, Mr. Paparian?

23 BOARD MEMBER PAPARIAN: That's not a hierarchy.
24 It's simply not a hierarchy. What I'm trying to get in
25 here is the hierarchy.

1 And if Mr. Jones wants to undelete that and then
2 go into the description of 40051, that would be fine with
3 me. If you want to undelete that but keep the rest of the
4 language there, that would be fine.

5 CHAIRPERSON MEDINA: Well, as it originally read,
6 the Five-Year Plan is to include the hierarchy.

7 BOARD MEMBER PAPARIAN: Right.

8 CHAIRPERSON MEDINA: And so --

9 CHIEF COUNSEL TOBIAS: Chairman Medina. Kathryn
10 Tobias.

11 I think in our legal memo, what we quoted from
12 earlier today, there was a question raised about the
13 hierarchy and perhaps some ambiguity between the language.
14 So I think in terms of going back to just the statutory
15 statement that it's trying to make it clear that that's
16 the hierarchy that governs because that language that has
17 been deleted kind of gives rise to the ambiguity.

18 So I don't know whether that's what Mr. Paparian
19 had in mind, but I do think we addressed that in our memo
20 to you, and I think it makes it more clear what hierarchy
21 we're talking about just from the Legal Office's
22 perspective.

23 CHAIRPERSON MEDINA: So from your perspective,
24 Mr. Paparian's language is clearer on this subject?

25 CHIEF COUNSEL TOBIAS: I think it makes it more

1 clear that we refer to the statutory hierarchy.

2 BOARD MEMBER JONES: And then on 3(b), you know,
3 I'm not sure exactly where we're going to be composting
4 tires, but I'd really like to find out.

5 CHIEF COUNSEL TOBIAS: I think that's -- the
6 language is just a quote from the statute to put all the
7 language in from the statute that refers to it so there's
8 not, you know, including some but not including others
9 so --

10 CHAIRPERSON MEDINA: And this is at the top of
11 page 8?

12 CHIEF COUNSEL TOBIAS: Yes.

13 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

14 I think -- if I may make a suggestion. I think
15 there's a little bit of confusion here, and I believe
16 Member Paparian is trying to clarify that.

17 But the original statute that created -- the tire
18 program was developed the same time the 939 language was.
19 And that statute, the Waste Tire Management Act, had a
20 slightly different take on hierarchy. It didn't use the
21 word "hierarchy," but it spelled out the different uses we
22 could look at for tire diversion.

23 And I know we've asked in the past for the Legal
24 Office to compare those two lists of possible methods of
25 diverting tires and had an opinion in writing that said

1 the 939 hierarchy was to provide guidance to the waste
2 tire management program but was not a governing
3 restriction.

4 Does this language help or hinder that legal
5 opinion?

6 CHIEF COUNSEL TOBIAS: Does the new language or
7 the -- putting in language back in, is that what you're
8 asking me?

9 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

10 By citing the 939 hierarchy in its entirety
11 including section 3(b) which has always been a little
12 puzzling when applied to tires, does that add clarity or
13 not?

14 I agree with the hierarchy statement, but that
15 3(b) is something in past years there's been discussion as
16 to just would we really want to put composting of tires
17 above the transformation and energy recovery of tires? It
18 wasn't written with tires in mind and may not help us in
19 debating those issues.

20 CHIEF COUNSEL TOBIAS: Well, I understand that it
21 wasn't written with tires in mind. But I think -- I guess
22 what we tried to say in this memo was that it would be
23 best to go with what the statute says in terms of the
24 hierarchy since the other uses of hierarchy are somewhat
25 ambiguous. So, you know, I certainly think that if, you

1 know, we go back to get some guidance from the
2 Legislature, I think that certainly would solve this whole
3 problem.

4 From a legal standpoint, at the moment we think
5 that using the statutory language that's in the overall
6 Act, even though there's aspects of it that sound a little
7 strange, such as the composting of tires, at least makes
8 it clear what the reference to hierarchy is at this time.
9 And I will say again -- and I can certainly get copies
10 again for the Board members if they haven't had a chance
11 to look at this. But we've spent about three pages
12 addressing this. So, you know, I'd be happy to --

13 CHAIRPERSON MEDINA: So in your opinion for the
14 purposes of what's on statute we should move forward with
15 this as it's written?

16 CHIEF COUNSEL TOBIAS: That would be our
17 suggestion of how to clarify the references to hierarchy,
18 as imperfect as it is.

19 CHAIRPERSON MEDINA: Yeah.

20 BOARD MEMBER JONES: Mr. Chair.

21 CHAIRPERSON MEDINA: Board Member Jones.

22 BOARD MEMBER JONES: I mean, if the original -- I
23 mean, SB 876 referenced prior bills. And if that --
24 right? And if that prior bill included a different
25 hierarchy than AB 939, then are you saying we should just

1 discount that because it would be more convenient?

2 And I'm not really here -- it's not my goal to
3 fight this thing that much. What I'm worried about is
4 that our entire menu of ways to deal with waste tires
5 could be in jeopardy if we're not careful with some of
6 these words. That's it, pure and simple.

7 So, you know, I mean, that's a trust issue for
8 me. And when you're telling me forget the other hierarchy
9 that was part of the legislation that had been past prior
10 years on tires and do AB 939 instead, I got a question as
11 to why. Just to eliminate the debate?

12 CHIEF COUNSEL TOBIAS: Well, no. And I don't
13 think that that is the reason that we said that, to
14 eliminate debate, nor was it convenient.

15 I think it might be helpful if -- was this a
16 public document, Martha, that we wrote to you? It didn't
17 say "attorney-client privilege" on it. But it is sent to
18 the Special Waste Committee Members.

19 So I guess what I would suggest at this point, I
20 don't really want to go over this with the Board since
21 it's legal advise at the moment without checking to see
22 what we did as far as whether it was just for the Board
23 members or whether it was a public document.

24 But we did spend three pages on this with some
25 fairly careful analysis going back to the previous bills,

1 going through the analysis. And what I can say was that
2 we do recommend that we use the existing hierarchy
3 language, but I can understand how you'd like to know the
4 background of that. So I can either go over that with
5 each of you or handle this in whatever way that would make
6 the Board members most comfortable in accepting this
7 analysis.

8 CHAIRPERSON MEDINA: Because we have a certain
9 level of discomfort in this at this moment and I think
10 that the other Board members as well as myself need to
11 review your memo, I think for the time being we pass on
12 this and return to it after we have had a chance to review
13 your memo.

14 CHIEF COUNSEL TOBIAS: I'll make sure you all got
15 copies of it so that you have a copy in front of you.

16 CHAIRPERSON MEDINA: That would not preclude it
17 necessarily from at some point being included in the
18 document. But for the time being, we'll defer until we
19 get the memo.

20 Page 9, under Market Development Committee.

21 BOARD MEMBER JONES: No.

22 CHAIRPERSON MEDINA: That's also a no for me.

23 BOARD MEMBER PAPARIAN: I'd just assume have it
24 in there. If we take out the dollar amount.

25 CHAIRPERSON MEDINA: What's that?

1 BOARD MEMBER PAPARIAN: I would just as soon
2 continue it, even if we take out the dollar amount. But I
3 understand there's now two no votes, so so be it.

4 Does the no include the Advisory Committee too?

5 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

6 Is that part of that quarterly round table or
7 separate? I'm sorry. Periodic --

8 BOARD MEMBER PAPARIAN: Could be.

9 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

10 -- round table.

11 BOARD MEMBER JONES: This is different one,
12 Mr. Paparian?

13 BOARD MEMBER PAPARIAN: It could be the same.

14 BOARD MEMBER JONES: I have no problem if they
15 are.

16 CHAIRPERSON MEDINA: Do we have an advisory
17 program -- do we have Advisory Committees through our
18 other programs?

19 BOARD MEMBER PAPARIAN: We have some working
20 groups, don't we?

21 DEPUTY DIRECTOR LEE: We have an Advisory
22 Committee on the used oil and household hazardous waste.
23 Predominantly household hazardous waste. So it's worked
24 very effectively.

25 But again on the tire side, our conferences have

1 been serving that particular function. But we will
2 establish this round table as we've already discussed
3 previously during the budget allocation session.

4 CHAIRPERSON MEDINA: Well, then for the purpose
5 of the tire program, if we can have the round table serve
6 as -- or do you want a specific Advisory Committee,
7 Mr. Paparian?

8 BOARD MEMBER PAPARIAN: I think we're losing the
9 alertness of everybody here. But I would like the
10 Advisory Committee. But if you want to just vote it down
11 and move on, that fine.

12 CHAIRPERSON MEDINA: So be it.

13 Page 13.

14 BOARD MEMBER PAPARIAN: Mr. Chairman, maybe to
15 help things along, I think this is fairly simple. Either
16 we want the staff to take a look at whether a bounty-type
17 program would be something we would want to understand and
18 consider, or we don't want to staff to pursue that. I
19 would just as soon --

20 CHAIRPERSON MEDINA: Is this not something that
21 staff would do anyway? Does the staff have to be directed
22 to do this? Is this something that you would normally do?

23 DEPUTY DIRECTOR LEE: It gets down again into the
24 prioritized list of activities. The reason it was
25 prescribed in the original Five-Year Plan, it was a lower

1 priority item with regards to the other things we had on
2 our table. I think it's something we can do, although we
3 were suggesting, as was noted in the staff changes which
4 have already been approved, to basically substitute a
5 complaint form in lieu of this investigation of a bounty
6 program, per se.

7 BOARD MEMBER JONES: Mr. Chair.

8 CHAIRPERSON MEDINA: Board Member Jones.

9 BOARD MEMBER JONES: During the crafting of the
10 legislation it was thrown out as an option.

11 I think our enforcement program is moving along
12 at a point we ought to re-evaluate this in a few years and
13 see if we need it. But if our local enforcement works,
14 we're probably not going to need a bounty program. So I'd
15 say let's hold off for now. We can always redo it in a
16 few years. And they can always look at it.

17 BOARD MEMBER PAPARIAN: Well, I mean, if I get
18 outvoted, fine. But I'd just as soon continue to do that.
19 I think the Legislature anticipated we might be
20 considering something like this.

21 EXECUTIVE DIRECTOR LEARY: What the -- Mark
22 Leary.

23 To the extent the resources allow, staff will go
24 ahead. And if we just preface Mr. Paparian's language to
25 the extent the resources allow that we go ahead and

1 attempt to do something as he proposes, I don't think this
2 is a tremendous workload, but it is really a matter of
3 resources. I don't think there's a philosophical
4 reluctance on staff's part to go forward with doing that
5 kind of research. It's a matter of whether we have the
6 resources or not.

7 Because 876 did appear to suggest we take a look
8 at it, we probably ought to pony up soon or later. So all
9 I'm suggesting, I guess, is just insert a couple of -- a
10 phrase ahead of Mr. Paparian's language that says, "to the
11 extent resources allow, staff will" -- then it goes on to
12 say "research the feasibility."

13 CHAIRPERSON MEDINA: Is that acceptable? Okay.
14 We'll go with that.

15 16.

16 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

17 I think we need a little further direction here.
18 In addition to the sentence or the addition to the
19 sentence, it will read, "to the extent resources allow,
20 staff will research," et cetera, does that then mean we
21 would strike that very last sentence that had been added
22 by staff that refers to the complaint form or in any way
23 change it or just leave it as is?

24 CHAIRPERSON MEDINA: We'll leave that.

25 BOARD MEMBER PAPARIAN: It's a second concept. I

1 don't see why they exclude each other.

2 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

3 Okay.

4 BOARD MEMBER JONES: Mr. Chair, I don't have a
5 problem with 16.

6 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

7 Page 16.

8 CHAIRPERSON MEDINA: Okay. 16. No objections to
9 16.

10 17.

11 DEPUTY DIRECTOR LEE: Chairman Medina, just one
12 point of clarification on number 16. Again, we originally
13 had agreed with regards to staff language on no increase
14 or just by using generic increase numbers, opposed to the
15 20 percent specification.

16 Our concern is we are ramping the program up
17 quite significantly, and I certainly don't envision any
18 problem between this year and next. We're going from
19 increasing the number of local jurisdictions that are
20 going to be in the program. But after we plateau at the
21 \$6 million level at 20 percent increase per year, assumes
22 basically a doubling in the number of inspections that
23 will be done over the three-and-a-half-year period. And
24 that was more than we wanted -- that staff was proposing
25 to commit to, given the uncertainties with regard to how

1 the local jurisdictions are going to work out.

2 We were looking at more of a liberal standard, if
3 you would, until we get some more working history on
4 exactly how the local jurisdictions are going to do.

5 MR. DIER: If I could add to that, Mr. Chairman.
6 Our intent was to focus on the quality of those
7 inspections rather than sacrifice the quality for trying
8 to reach an arbitrary quantity.

9 BOARD MEMBER PAPARIAN: We had this discussion,
10 Mr. Chairman, at the beginning about how performance
11 measures should be measurable. And if it's not 20
12 percent -- I mean, we should have a measurement criteria
13 to be able to determine whether we're being successful or
14 not. Otherwise, we can come up with language every couple
15 of years patting ourselves on the back and not being able
16 to say why it is we believe we're successful.

17 CHIEF COUNSEL TOBIAS: Mr. Chairman. Kathryn
18 Tobias.

19 While I do agree with the idea of performance
20 standards and I do think they're important to put in here,
21 perhaps part of the problem is through 2006 it's the
22 opinion of the Legal Office -- I guess what we would like
23 to do is see how the next two years go with the addition
24 of the tire manifest program. We think that -- and the
25 increased enforcement that we're already doing. We're

1 hoping that the disposal of illegal tires and the whole
2 enforcement -- the tire program in general should be a lot
3 more effective.

4 And so I guess if we are going to see some
5 increases and we are going to use a number, I'd suggest
6 they not necessarily be done by 2006 but that we have more
7 of a review each time we do the plan. Because I'm not
8 sure that it is going to increase by 20 percent every year
9 or two years. So that would be --

10 CHAIRPERSON MEDINA: Just to the performance
11 measures, I notice they are all consistent and none of
12 them have any numerical goal in those performance goals.
13 So either they all have numbers or they don't have
14 numbers. And in this case there are no numbers in any of
15 the performance measures.

16 BOARD MEMBER PAPARIAN: There were previously.
17 So that's a change.

18 CHAIRPERSON MEDINA: Were there numbers
19 previously under each one of those performance measures?

20 BOARD MEMBER PAPARIAN: Under this one.

21 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

22 Only the first one under enforcement.

23 I think some of the concern with the 20 percent
24 per year comes from the fact we're anticipating a fairly
25 big surge in first year or two and then that's going to,

1 as Kathryn said, plateau.

2 Maybe we could come to a compromise here where
3 instead of going 20 percent per year, we set some specific
4 numeric goal that would make it over the next three years
5 or something. Would that work?

6 CHAIRPERSON MEDINA: I think a 20 percent
7 increase per year would be quite a challenge.

8 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

9 Partly -- if you look at the baseline measures
10 that we set for the performance plan in that appendix, I
11 think we had a certain number that started 2001-2002 year.
12 And then if you do 20 percent up from that -- I remember
13 for the Board staff it was 495 inspections. So 20 percent
14 of each of those are almost at 100 additional each year
15 and that keeps adding. And I think that was the concern
16 that that number was going up too fast over all those
17 years.

18 MR. DIER: One other point. Martha's mentioned
19 this before, and it just dawned on me, and refresh me if
20 I'm wrong here, that at the time that Five-Year Plan was
21 being developed there was also a BCP going through for
22 additional resources that would track all of these
23 expected activities. And those -- as you know, those BY's
24 didn't come through as anticipated. But still the
25 performance measures were built on that anticipation.

1 So I came into the program a year ago, and now
2 I'm faced with, you know, four people statewide and a
3 performance measure to increase inspections 20 percent per
4 year with only four people. I'm trying to figure out how
5 do I do that.

6 So I recommend that perhaps we can continue to
7 increase the number of inspections but not by some large
8 number like 20 percent.

9 BOARD MEMBER PAPARIAN: This isn't the four staff
10 you have. It's the 40 to 60 equivalent staff you're going
11 to have. In a two-year period we've increased the budget
12 for enforcement by local agencies by 300 percent. In a
13 two-year period.

14 MR. DIER: As originally written, it was focused
15 on Board staff. Since it was written, the local
16 enforcement aspect has been added, and that's why I had
17 recommended adding in "and local agency staff." And that
18 will be increasing the inspections tremendously over the
19 next twelve months.

20 CHAIRPERSON MEDINA: Well, what I would suggest
21 for now is to leave the phrase "increase the number of
22 inspections conducted by program staff and local agency
23 staff per year to 2006," and leave that in. Leave the
24 percentage to be decided. I think we need a discussion as
25 to what the appropriate percentage should be. I think

1 that's a longer discussion. But I do think that we do
2 need to increase the number of inspections. So we can
3 follow up with regard to this specific percentage.

4 Page 17.

5 BOARD MEMBER JONES: Mr. Chair.

6 CHAIRPERSON MEDINA: Board Member Jones.

7 BOARD MEMBER JONES: I guess I'm not clear why we
8 need to identify the CDAA because, I mean, our staff does
9 the work and then they turn it over. I mean, CDAA is not
10 developing these cases, are they?

11 CHIEF COUNSEL TOBIAS: Only where we send them
12 to. They are working specifically in Madera and Imperial
13 County to see if there are any additional cases.

14 But we would agree with you, Mr. Jones, as long
15 as it says, "increase the number of enforcement actions,"
16 then we would prefer to have that left open. There might
17 be other choices contracting with individual district
18 attorneys. I can think of several other choice. So we'd
19 rather have that left open. But I don't mind the
20 performance measure at all.

21 BOARD MEMBER JONES: I don't mind number 9. I
22 think there's a different way to word it. But number 8 is
23 just going to be a way for CDAA to walk in here and say,
24 "Hey, your own plan says you've got to kick in more
25 money." And I think that's a mistake.

1 BOARD MEMBER PAPARIAN: That's not the intent.
2 The intent is to have a way to measure whether they've
3 been effective at what we've paid them to do. I think
4 that we're asking them to perform and we're expected by
5 876 to measure performance. So I wouldn't want to exempt
6 CDAA from that performance measurement.

7 CHIEF COUNSEL TOBIAS: Well, we will be
8 bringing -- as with any program, at the conclusion of
9 their contract, we'll be bringing that forward to the
10 Board with an evaluation of the work. I don't mind saying
11 on the record that part of the evaluation can be the
12 number of enforcement actions were brought.

13 But I think what we're talking about in this plan
14 is a more overall approach, and that I'm fine with, a
15 performance standard for enforcement actions that
16 basically says that we will increase them. Although I
17 have to say again, as I mentioned just before, that I do
18 think what we are going to see is at some point a decrease
19 in those actions because we will have dealt with a lot of
20 the folks who are illegally dealing with tires. And I'm
21 not sure that we've necessarily seen that point where
22 we're on the down side of those numbers. But we do report
23 to the Board twice a year on the number of enforcement
24 actions we're bringing forward.

25 So I'd be happy to either live with that

1 performance standard of increasing it, given that we will
2 be coming back to you showing whether we've got to a point
3 of fewer returns or I'd be happy to work with both
4 staff -- to work with staff and come up with performance
5 measures that would deal with enforcement actions. But I
6 don't -- I think in the overall tire pile I don't see the
7 need to call out one specific contractor.

8 CHAIRPERSON MEDINA: I would -- Board Member
9 Washington.

10 BOARD MEMBER WASHINGTON: Kathy, who else
11 enforced actions against illegal dumps beside the district
12 attorneys?

13 CHIEF COUNSEL TOBIAS: Illegal tires or illegal
14 dumps?

15 BOARD MEMBER WASHINGTON: Illegal disposal sites.
16 I'm sorry.

17 CHIEF COUNSEL TOBIAS: Well, there's a
18 difference. The CIWMB is the one that has the
19 responsibility for enforcement of the tire program because
20 that's us. When it comes to illegal disposal sites, that
21 could be the LEA's, cities, and counties or ourselves. So
22 they're different because the ones for illegal disposal
23 sites are set up through the LEA system so they could be
24 the enforcement or we do the enforcement sometimes.

25 BOARD MEMBER WASHINGTON: Who does the

1 prosecution of these?

2 CHIEF COUNSEL TOBIAS: Under tires or illegal
3 disposal?

4 BOARD MEMBER WASHINGTON: Either one.

5 CHIEF COUNSEL TOBIAS: Under tires we do it. Our
6 staff does it. We have what are called administrative
7 civil penalties which enable us to go through the Office
8 of Administrative Law which is a step below the court
9 system, and that's what we've used so far. It's extremely
10 effective. It's very fast.

11 We don't have that same situation for illegal
12 disposal sites, although I wish we did, because it has
13 been extremely effective in terms of dealing with the
14 tire -- illegal tire response.

15 CHAIRPERSON MEDINA: On number 8 my inclination
16 would be to throw that out because it says "through work
17 with their association," so it's not the association by
18 itself. It's not us. It's us through work with the
19 association. So I would -- my inclination at this point,
20 Members, is just to leave that out.

21 CHIEF COUNSEL TOBIAS: We don't mind the
22 performance standard aspect of it, of the Board looking at
23 the number of enforcement actions that we bring.
24 Although, I point out I do think those will decrease over
25 the next couple years.

1 But as Martha and I think all of us have talked
2 about, we're not sure at what point those will peak and
3 what point they'll be going down. But I don't have enough
4 statistics yet, particularly for this year.

5 I think with the manifest program coming in you
6 could expect to see a lot more enforcement actions this
7 year. But those will be dealing with the manifests, not
8 so much with illegal tire storage.

9 After that year my expectation is unless we have
10 a lot more manifest enforcement is that you might see
11 those numbers going down because we will have gotten a lot
12 of the illegal haulers and illegal storage off the -- they
13 won't be doing that kind of work anymore.

14 CHAIRPERSON MEDINA: So Mr. Jones is okay with
15 number 9. I'm okay with number 9. Throw out number 8.

16 Is that all right with you, Mr. Washington?

17 Mr. Paparian is okay with that.

18 DEPUTY DIRECTOR LEE: Excuse me, Chair Medina.
19 One clarification on number 9. Again, the wording in
20 there was -- at the end of that sentence was to assure
21 better program delivery. Was there a concern or a
22 consideration there that we need to be made aware of,
23 Mr. Paparian?

24 BOARD MEMBER PAPARIAN: I think I said it this
25 morning and I've said it before so I don't know if we

1 really need to go over it again. I think hopefully this
2 will help us understand. You know, we've got the CDAA.
3 We've got the attorney general. We've got our enforcement
4 staff. We have -- the LEA's occasionally involved. Who
5 knows who else, you know. I think a big picture look at
6 this situation -- big picture look at whether our
7 expenditures for the equivalent of 60 local enforcement
8 staff statewide is the right way to go, is something we
9 ought to do.

10 BOARD MEMBER JONES: Mr. Chair.

11 CHAIRPERSON MEDINA: Board Member Jones.

12 BOARD MEMBER JONES: Just a quick question
13 follow-up on what Mr. Lee said.

14 I have no problem with the concept of, you know,
15 plan review adjustments, but do we need to say -- you
16 know, I think you're right in saying, you know, do the
17 review, make the adjustments. Do we need to say "to
18 assure a better program delivery?" Can we strike the word
19 "better" and maybe put the word --

20 DEPUTY DIRECTOR LEE: Effective?

21 BOARD MEMBER JONES: Well, it assumes -- when we
22 say "to ensure better," we're saying the program's not
23 good. So, you know, you're going to develop through the
24 performance measures anything that needs to be adjusted
25 for program delivery. So how about --

1 BOARD MEMBER WASHINGTON: Enhanced?

2 BOARD MEMBER JONES: Enhanced. But --

3 BOARD MEMBER WASHINGTON: It's already good. You
4 want to make something better, you enhance it.

5 BOARD MEMBER JONES: That would work. Would
6 "enhance" work there? Okay. Is that okay, Mr. Chair?

7 CHAIRPERSON MEDINA: That's fine.

8 BOARD MEMBER JONES: Thank you, Mr. Washington.

9 CHAIRPERSON MEDINA: Moving on, page 27.

10 BOARD MEMBER JONES: Actually, 27 I don't have a
11 problem with. 27 I'm okay with, Mr. Chair.

12 CHAIRPERSON MEDINA: I have no problem with that.

13 Member Washington?

14 30.

15 BOARD MEMBER JONES: Now we're talking. I guess
16 I just -- I mean, can I understand what Mr. Paparian wants
17 to do by encouraging the tire manufacturers to use -- you
18 know, I mean retreads, we're going to see them in trucks.
19 That's it. Longer lasting tires, I got no problem with.
20 But I don't think that was the only intent language, and
21 maybe we need to move that to a different area. It kind
22 of makes it look like, you know, that under the research
23 directed -- you know, direction provided by 876 was, you
24 know, retread tires and find longer lasting ones and get
25 some recycled content.

1 I have no problem with it. I just think it needs
2 to go somewhere else, not at the beginning right under
3 direction provided by 876 because there was a lot more
4 direction than that, if that makes sense.

5 BOARD MEMBER PAPARIAN: It is, in fact, direction
6 provided in the language of 876. And I think it may be
7 the one most applicable to research actually.

8 BOARD MEMBER JONES: That was (g). So what's (a)
9 through (g)?

10 BOARD MEMBER PAPARIAN: (A) through (g) is a
11 variety of other things, but I can tell you what (g)(1)
12 and so forth are, if you like.

13 One, for example, is implement many of the
14 enforcements, market development, administrative and
15 technical recommendations outlined in the California
16 Integrated Waste Management Board's recent report on
17 California's waste tire recycling enhancement program.

18 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

19 It's on page five if you want to read it.

20 BOARD MEMBER PAPARIAN: And number 2 is what's
21 called out here.

22 Number 3 is stimulating waste and used market
23 development -- that would be more appropriate for market
24 development. Market development activities while cleaning
25 up existing waste tires piles and enforcing waste and used

1 tires laws.

2 4 is implement the current waste tire manifest
3 system.

4 And 5 relates to increasing safety government
5 procurement.

6 CHAIRPERSON MEDINA: I think since we have an
7 existent bill that we can refer to that means we have
8 something very specific. We don't need to interject all
9 the parts of the bill into the report.

10 BOARD MEMBER PAPARIAN: Just for consistency you
11 would want to take out everything related to 876 and all
12 the sections?

13 What I was trying to do here was to provide the
14 important and appropriate sections so that you get a
15 fuller picture in the staff description of the direction
16 provided by SB 876. You'll see in every section there's
17 direction provided by SB 876.

18 BOARD MEMBER JONES: I don't know how we missed
19 that much the last time we did this report. It amazes me.

20 I don't want it in there, Mr. Chair.

21 BOARD MEMBER PAPARIAN: Mr. Chair, I think it's
22 critical to the intent of the legislation as it relates to
23 our research program. So if you want to take a vote on
24 it, that's fine.

25 BOARD MEMBER JONES: Mr. Chair, if I have to go

1 back up to my office and get the copy of the bill and look
2 at all the intent language and see if maybe there aren't
3 this as well as other pieces that may be germane and then
4 we can revisit it. But this is a piece of something that
5 was much bigger.

6 BOARD MEMBER PAPARIAN: I think it's at the heart
7 of our activities to implement the intent of 876 as well
8 as our Strategic Plan. I think it's important to keep it
9 in here.

10 CHAIRPERSON MEDINA: Well, let's take a further
11 look at this. Not at the moment. We'll pass on this for
12 now.

13 CHIEF COUNSEL TOBIAS: Chairman Medina, I'm
14 wondering if the Board would entertain going back. I hate
15 to do this to you. To page 7 on that hierarchy question.
16 I have Elliot Block here who wrote the analysis for that,
17 and I can make a suggestion from our legal memo what we
18 did on it. But you may also want to look at the memo
19 first. I could have a change in what I said initially.
20 But what would be your pleasure? Would you all like to
21 look at the memo first?

22 CHAIRPERSON MEDINA: I think because we've having
23 to come back to some items that we do need to take our
24 time to look at the memo.

25 CHIEF COUNSEL TOBIAS: I just wanted to offer

1 that just in case. Thanks.

2 CHAIRPERSON MEDINA: Page 32. 32 no objections.

3 34. Any objections to 34? I think it basically
4 reflects what we're doing. We've giving money to that
5 area. So that shows the level of commitment.

6 BOARD MEMBER JONES: You know, Mr. Chair, right
7 above it it says, you know, that through an extensive cost
8 benefit analysis that's going to accompany the report on
9 their future efforts. The goals of the agreed-upon
10 objective could be accomplished through a contractor
11 interagency agreement.

12 Can we at least say "Based on the results of the
13 study, the Board will seek to encourage convergence
14 between longer living goals, tire goals, and higher energy
15 efficiency"? Because there's a safety factor involved in
16 these tires that's omitted in this sentence. You know,
17 we're looking at long-lasting tires and rolling friction.
18 But at the same time we have to be cognizant that you give
19 up some safety issues depending upon how far you go.

20 BOARD MEMBER PAPARIAN: I think there would be a
21 disagreement from the tire manufacturers that the existing
22 long-lasting tires that I can go to Costco or any place
23 else to purchase right now today are any less safe than
24 the lower mileage tires. What this is trying to get at
25 is, what are the tires on the road right now? What's the

1 rolling resistance? What's the life of those tires? So I
2 think we had a continuing kind of disconnect over what the
3 long-life tire stuff is.

4 But I think the Energy Commission is moving
5 forward with their studies. I think we had the
6 opportunity to shape the direction of those studies in a
7 way that meets both of our needs and assures that we are
8 not promoting unsafe tires.

9 BOARD MEMBER JONES: We ought to say that.

10 CHAIRPERSON MEDINA: So you have an objection to
11 that?

12 BOARD MEMBER JONES: I just want to add. I mean,
13 I got no problem with what Mr. Paparian just said, as long
14 as we add that part of it. I think that's reasonable.
15 Not always looked at.

16 BOARD MEMBER PAPARIAN: So "The Board will seek
17 to encourage a convergence between longer lived tire goals
18 and higher efficiency tire goals while keeping tire safety
19 paramount."

20 BOARD MEMBER JONES: Absolutely. You say that, I
21 don't have a problem. Can't endorse it without knowing
22 you're giving something up.

23 CHAIRPERSON MEDINA: That's a good improvement.
24 So we'll go with that.

25 Page 35.

1 You know, in number 2 did we not have that
2 reflected already somewhere?

3 BOARD MEMBER PAPARIAN: What I was -- what I was
4 suggesting, Mr. Chairman, was what I believe to be a more
5 realistic performance measure. I don't think we're going
6 to contract with a tire manufacturer to increase recycled
7 content.

8 I think as we've learned about the recycled
9 content issue over the last couple years, we've learned
10 more about what's practical and not practical. And I
11 think the practical thing is to identify those tires that
12 have recycled content, seek to encourage the purchases of
13 those on the market tires, and in that way promote
14 increasing in the amount of recycled content in new tires.
15 Then at the same time through product stewardship efforts
16 see what we can do to further increase those, that
17 recycled content.

18 CHAIRPERSON MEDINA: Do we have any reports yet
19 from tire manufacturers or car manufacturers in regard to
20 the impact of -- or the effects of recycled content in new
21 tires.

22 BOARD MEMBER PAPARIAN: Yes. I can quote from
23 the testimony of the tire manufacturers at our August 12th
24 workshop where I asked one of the manufacturers, "Can you
25 give me a range? Well, you know, they're probably zero to

1 some number, right, amount of recycled content."

2 And Mr. Cooper says, "Yes. About zero, about 10
3 percent."

4 I've since learned it's sometimes higher than 10
5 percent.

6 And then I further asked -- this is really an
7 important issue. One that's come up a number of times in
8 our discussions here whether the manufacturers would be
9 willing to reveal to us some of the information about
10 which tires contain recycled content.

11 And I asked Mr. Cooper, "Are the companies
12 prepared to reveal that type of information about recycled
13 content in the various product lines?"

14 Mr. Cooper, "I would think so. I would imagine
15 so. We certainly would. I feel comfortable that the rest
16 of the companies would as well."

17 So we had a commitment at that point from a tire
18 manufacturer to assist us in finding this sort of
19 information.

20 CHAIRPERSON MEDINA: But as of this moment, we
21 don't have any specific information in regard to the
22 recycled content in tires.

23 BOARD MEMBER PAPARIAN: We do. We know that the
24 tire manufacturers claim it's between zero and 10 percent,
25 and we know that the tire manufacturers testified before

1 this Board that they're willing to work with us in
2 identifying those tires that contain some recycled
3 content.

4 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

5 If I could interject. I think because it is a
6 little difficult to pin a specific number with any
7 specific type of tire, it does make it difficult to meet
8 the existing language of this measure at the five-year
9 level. So making it a little more broad would assist, I
10 think.

11 CHAIRPERSON MEDINA: So how would you reword
12 that? We have public testimony. Mr. Blumenthal, you'd
13 like to --

14 MR. BLUMENTHAL: I think I can help this one
15 issue a little bit down the road. Yes, indeed, in August
16 when our members were here they did, indeed, say that if
17 they got a request asking for the type --

18 CHAIRPERSON MEDINA: Can you tell us your full
19 name for the record.

20 MR. BLUMENTHAL: I apologize. My name is Michael
21 Blumenthal. I'm the Senior Technical Director of the
22 Rubber Manufacturers Association, the RMA. The RMA is the
23 principle trade group who represents the seven U.S.-based
24 tire manufacturers.

25 And Mr. Paparian is correct in that in the August

1 meeting when we were here the tire manufacturers did,
2 indeed, state if they got a request they would provide
3 information to the Board on those tires that did contain a
4 recycled content.

5 Now, I don't know if they would give you the
6 exact amount of recycled content. They may not. I can't
7 answer that. But they would certainly provide that
8 information if it was requested.

9 I would also say that those tires probably will
10 not be your longer wear tires, nor will they have as low a
11 rolling resistance as other tires may have. The issues of
12 recycled content and long wear tread and rolling
13 resistance are mutually exclusive. You can have one. You
14 can't have all three. And I will expound that later
15 during the comments.

16 But I believe the manufacturers would provide
17 that information if it was requested. And I believe the
18 context of that was the State would be interested in
19 purchasing tires that have a recycled content, and hence,
20 the answer.

21 BOARD MEMBER PAPARIAN: So, Mr. Chairman, I think
22 all that helps to provide further background on this. And
23 I think the goal of through work on procurement and
24 through direct work with tire manufacturers seek to
25 increase the amount of recycled content in tires is

1 achievable and measurable goal.

2 CHAIRPERSON MEDINA: Can you explain the
3 procurement part?

4 BOARD MEMBER PAPARIAN: State agencies buy quite
5 a few tires. Local governments buy a lot of tires.
6 Fleets buy a lot of tires. And consumers buy a lot of
7 tires. In other product categories that the Board works
8 on, we seek to influence those purchases. Often we start
9 with State agencies to establish some general guidance for
10 purchasing of recycled content products. Then we spread
11 out to fleets. And then at the same time we encourage
12 consumers to do the same thing.

13 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

14 Excuse me. Can I -- just a point of
15 clarification. So that could be State agencies
16 procurement, local government procurement, and public
17 procurement, is that all three that we'd be working on, or
18 would you want to specify maybe State agency?

19 BOARD MEMBER PAPARIAN: Often our work on
20 procurement with State agencies is designed to be usable
21 by people in the private sector or people in other
22 government agencies. I wouldn't want to constrain us from
23 that sort of broader work. I mean, I think that State
24 agencies is often where we start in our procurement
25 efforts. But often in our work with -- I'm sorry to

1 say -- the Department of General Services -- often with
2 our work with DGS or with other agencies we try to design
3 what we do in a way that could be usable by fleets, by
4 public agencies, by private entities, and so forth.

5 CHAIRPERSON MEDINA: Okay. Let's leave that one
6 in and move on.

7 In regard to number 4, the deletion of the above
8 sentence.

9 BOARD MEMBER JONES: I'm not going there.

10 BOARD MEMBER PAPARIAN: I think that the other
11 language in the report indicates that this is the most
12 viable thing out there and define that language. So why
13 are we determining the viability if we've already
14 determined it's viable?

15 BOARD MEMBER JONES: We have a lot of research
16 projects that look at delivery of product. We look at ash
17 residual. We look at components. And to not measure that
18 is not consistent with the rest of our programs.

19 CHAIRPERSON MEDINA: Well, I would have to agree
20 with that. I'm of the same mind of number 4. I would not
21 delete it.

22 Board Member Washington, any opinion on that,
23 number 4?

24 BOARD MEMBER WASHINGTON: Fine.

25 CHAIRPERSON MEDINA: Okay. Number 9.

1 BOARD MEMBER JONES: Mr. Chair, I have no problem
2 with increasing this since we're doing the Kuehl Bill.
3 But we need to insert where we say "per year RAC use in,"
4 I think we ought to add "State and local highway projects
5 in California" since we do have a reference in
6 Mr. Paparian's addition here to the Kuehl Bill. We need
7 to make sure that those projects are both State and local.
8 And then it's something to measure.

9 CHAIRPERSON MEDINA: The only issue I have here
10 is in regard to percentage in that just my experience with
11 Caltrans -- I understand we can tell Caltrans what
12 percentage they're going to use. We've certainly done
13 everything we can to encourage increased use of RAC. And
14 I, myself, was able to increase it significantly to set a
15 percentage for Caltrans since they're the ones that use
16 RAC. And to set a percentage for the local government, I
17 think that it would not be our purview.

18 I think we can encourage the increase of RAC by
19 State and local governments, but I would not set a
20 percentage. I know that when the State Transportation
21 Commission meets and they look at the use of RAC also and
22 they have supported, at least when I was at Caltrans, an
23 increased use of RAC. But there was no percentage goal
24 established. So I would just have a general statement to
25 encourage the use of RAC in highway projects.

1 BOARD MEMBER PAPARIAN: I think, you know, a
2 modest goal is appropriate if we want to understand
3 whether we've been successful or not.

4 CHAIRPERSON MEDINA: I just don't think that
5 20 percent per year -- I'm not sure, you know, how viable
6 that particular percentage is in regard to --

7 BOARD MEMBER PAPARIAN: So if we take out the
8 percentage, if we increase RAC use by, you know, a few
9 pounds a year, our performance is successful. That's what
10 I worry about, you know. If it's -- I think it would be
11 good to have some measurable amounts in there. If we
12 can't achieve them due to the Caltrans or some other
13 thing, we can call that out in the next Five-Year Plan.

14 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

15 If I could add something to this discussion.
16 When we discuss the Kuehl Bill and how to roll that out, I
17 pointed out that one of our concerns when we were working
18 with local governments is how they treat paving projects,
19 that the budget cannot be put off from year to year if
20 they have economic problems. And if we're looking at
21 setting a goal for ourselves that has to march forward
22 year by year in a time when local government budgets are
23 going to be very tight -- and, indeed, Caltrans has had to
24 cut back on several of its paving projects -- we might be
25 setting some very, very difficult goals for us to obtain

1 in the next two or three years.

2 Is there some way of making it a goal over a
3 five-year period as a total so that if in the first couple
4 of years the increase is slower, but that we could
5 accelerate it towards the end of those five years?

6 BOARD MEMBER PAPARIAN: To double it over a
7 five-year period instead of 20 percent a year?

8 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

9 That would certainly ease it. 20 percent per
10 year yields an increase -- a doubling in less than four
11 years. Yeah. If we said a doubling in five years and see
12 how we're progressing, would that be a compromise we could
13 live with?

14 CHAIRPERSON MEDINA: I think you have a set a
15 percentage over time. And I know that for local
16 governments in regard to their transportation projects is
17 that they establish an order of priority in terms of which
18 projects they want to do first and write down their list
19 of priorities. And they may use RAC or they can in
20 certain instances -- but again dependant on the priorities
21 that local governments establish -- the same holds true
22 for Caltrans in terms of Caltrans transportation projects.
23 We can certainly ask Caltrans to increase the percentage
24 of RAC they use. And I know that we have taken steps to
25 work in partnership with Caltrans towards that end.

1 But if you want to set a goal, I come to
2 agreement that 20 percent per year is too much, and we
3 might look at an overall goal in the five-year period or
4 something like that.

5 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

6 So I believe Member Paparian suggested
7 100 percent increase over five years. Would you advocate
8 something slightly lower? 75 percent increase in five
9 years?

10 CHAIRPERSON MEDINA: I think the problem that I
11 see in regards to the percentage is that, for example,
12 during the years that I was at Caltrans and I encouraged
13 the use of rubberized asphalt, if you look at those
14 two years, '99 and 2000, that's like the twin towers in
15 terms of the way RAC usage increased as opposed to the
16 single story for the years before and the years after.

17 So if you say increase RAC 20 percent and you're
18 looking at after the year -- say you're looking at 2001
19 when we're back to single stories --

20 DEPUTY DIRECTOR LEE: Chairman Medina, I think
21 Martha's comments mainly were looking for some point of
22 accommodation with Mr. Paparian on this. I think we agree
23 we're going to be putting a lot of money on the street
24 with regards to RAC projects. The Kuehl Bill
25 considerations ensure that.

1 But, again, it's -- you know, whether or not, you
2 know, the local jurisdictions are going to jump at the
3 availability of this money, whether or not that's going to
4 be sufficient money to influence, you know, their pavement
5 lane decisions, that's unknown. It's out of our control.
6 I think we prefer -- a performance measure doesn't have to
7 have a numerical measure, per se.

8 Again, as we noted in our opening remarks,
9 increase or decrease would meet that test. Even if we
10 talk increase of 100 percent over five years, you're still
11 talking a compounding rate of 15 percent per year, which
12 is less than 20 but still not insignificant.

13 So if you're asking for staff's recommendation,
14 we prefer just the generic increase RAC usage over the
15 time period.

16 BOARD MEMBER JONES: Mr. Chair.

17 CHAIRPERSON MEDINA: Then you take into
18 consideration State usage versus local usage.

19 Board Member Jones.

20 BOARD MEMBER JONES: The original number 9 was
21 just "increase percentage of RAC use in highway projects
22 in California over the next five years." I mean, that was
23 our original performance standard.

24 There's a couple of things that need to come into
25 play here. Couple years ago if there would have been more

1 RAC projects in the state of California, we didn't have
2 the capacity to put the crumb up. Every ounce of crumb
3 that was made had a hole. So we're developing more --
4 more crumb.

5 But when we start putting in these expectations,
6 we have a whole infrastructure that has to catch up, which
7 seems to me we do an awful lot of effort to try to make
8 sure that happens through our grants and everything else.

9 And when we were all six of us contacted that
10 Caltrans wasn't doing their share, all six of us jumped on
11 that thing in a heartbeat a couple of years ago. So I
12 think we ought to leave the way it is and just keep, you
13 know, trying to increase. I mean, that's a reasonable
14 performance standard.

15 CHAIRPERSON MEDINA: I would have to agree with
16 that. I would have to -- do you recall what Brent Felker,
17 Chief Engineer, said in his letter to us from Caltrans?

18 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

19 They were going to try to increase 15 percent
20 over a period of time, but I've forgotten what that period
21 of time was. It wasn't just any year.

22 CHAIRPERSON MEDINA: If Brent Felker the Chief
23 Engineer for Caltrans says 15 percent over a period of
24 time, I would not have 20 percent over a year of time. 20
25 percent per year I just find -- and I would not be above

1 increasing whatever was in Mr. Felker's letter in terms of
2 the percentage as long as --

3 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

4 Do you want us to get back to you with that exact
5 amount and see if we can duplicate that?

6 CHAIRPERSON MEDINA: Yes. On balance I would
7 tend to favor leaving 9 as it was.

8 BOARD MEMBER JONES: Mr. Chair.

9 CHAIRPERSON MEDINA: Board Member Jones.

10 BOARD MEMBER JONES: Number 10 I don't have a
11 problem with. His assured third party, that's fine. We
12 already voted to do that, I think.

13 But as far as this research plan, environmental
14 impacts from waste tires solid waste management
15 techniques, I don't know -- I don't know how that's a
16 performance standard. And, you know, I don't know what
17 this research program on environmental impacts would even
18 look like so I don't think I can support it. In fact, I
19 know I can't support it.

20 BOARD MEMBER PAPARIAN: Do you want to move along
21 quickly on this? I think it's consistent with past
22 direction of the Board. It's consistent with the
23 Strategic Plan. But if you want to just vote it up or
24 down, Mr. Medina, I think we can do that very quickly.

25 CHAIRPERSON MEDINA: And that is all the changes

1 proposed under number 10?

2 BOARD MEMBER PAPARIAN: I think Mr. Jones was
3 referring to the first number 11. There's a numbering
4 problem here. The first number 11 I think is what he's
5 referring to. And I'd like to keep it in there. He'd
6 like to eliminate it. So if you want to just move that
7 along quickly, that's fine with me.

8 CHAIRPERSON MEDINA: So, Mr. Jones, you were fine
9 with number 10?

10 BOARD MEMBER JONES: Fine with 10.

11 Number 11, I don't know what it means so I'm not
12 going to -- I mean, the establishment of a Waste
13 Management research program on environmental impacts and
14 solid waste management techniques in cooperation with
15 academia and institutions, no.

16 CHAIRPERSON MEDINA: So no on the first number
17 11. And then there's a second number 11.

18 BOARD MEMBER JONES: Second one, I don't care.
19 Let's just change the word from "better" to "enhanced" on
20 the second to last line.

21 CHAIRPERSON MEDINA: So it's a yes on the first
22 10, on number 10, the third-party review. A no on the
23 first 11.

24 BOARD MEMBER PAPARIAN: I wanted that, but I
25 understand that you're voting against it.

1 CHAIRPERSON MEDINA: And then yes on the second
2 number 11 with the change of the word from the word
3 "better" to "enhanced program delivery."

4 We're now to page 42. Getting closer to the end.

5 BOARD MEMBER JONES: Page 42.

6 CHAIRPERSON MEDINA: Yes.

7 BOARD MEMBER JONES: Is that -- I guess my
8 question, Mr. Paparian, is he wants to strike "increase
9 use of waste tires and energy recovery applications" and
10 change that to "increased productive ends uses for waste
11 tires."

12 Is that one and the same thing, just different
13 wording?

14 BOARD MEMBER PAPARIAN: "Productive end uses" is
15 a broader term that could include things like civil
16 engineering, to some people it would include ADC. I'd
17 argue that all together.

18 CHAIRPERSON MEDINA: I guess the question is,
19 would that exclude energy recovery applications?

20 BOARD MEMBER PAPARIAN: Not necessarily.

21 BOARD MEMBER JONES: It's easy to vote yes or no
22 on these. Honestly, I want to vote yes on this, if it
23 means what it says. I mean, it says "productive end use."
24 I agree with that. But I think that TDF is productive end
25 use. If it is, I can go for it.

1 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

2 Could I ask a point of clarification?

3 Objective number 2 says, "Increase the recycling
4 of waste tires," and we set some numbers and years and all
5 that. As I understand it, when we say recycling, we do
6 not include transformation. So these would be productive
7 end uses other than transformation.

8 And so my understanding as to why number 3 was in
9 there originally was to separately track the energy
10 recovery or transformation piece. If we go with the
11 proposed wording, then we're back to folding everything in
12 together. Is that what is wanted here?

13 BOARD MEMBER PAPARIAN: If you want to say
14 "increase other productive end uses for tires," that would
15 be fine.

16 BOARD MEMBER JONES: So that would include all
17 others? I mean, that would include the use of TDF for
18 those applications when we saw other productive end uses?
19 If it does, then I'll say okay. I mean and -- I don't
20 know what the other members will say.

21 BOARD MEMBER PAPARIAN: I think we'd have to look
22 at that in the context of what's desirable for the market
23 development activities. I think some would argue that
24 that is a productive end use. But I think that as we
25 evaluate proposals in market development we'd have to make

1 some determinations about what the most productive end
2 uses are.

3 CHAIRPERSON MEDINA: Well, number 3 doesn't make
4 reference to the most productive. It just says "increase
5 productive end uses." So I understand that some are more
6 productive than others. But if you're just referring to
7 productive end uses, I guess the issue here is again in
8 regard to TDF.

9 BOARD MEMBER PAPARIAN: So you're saying you want
10 to keep it the original number 3? You want to vote on
11 that? I vote no on that. I would rather have my new
12 number 3.

13 BOARD MEMBER JONES: Mr. Chair.

14 CHAIRPERSON MEDINA: Board Member Jones.

15 BOARD MEMBER JONES: I think without that
16 definition I think we ought to leave number 3 the way it
17 was originally in the plan. So I would not support the
18 Paparian change.

19 CHAIRPERSON MEDINA: Okay. I'll go along with
20 keeping number 3 the same. So if I hear no other
21 objections, then I'll move on that.

22 Number 48.

23 BOARD MEMBER JONES: Can we just add a little on
24 his change? I think some of it's okay, you know. Pretty
25 good. But I think we ought to talk about increase public

1 awareness of proper -- we ought too add the word "tire
2 care and maintenance."

3 And then we've got to do something with the
4 purchase of products made from recycled waste tires,
5 shreds and develop retread and proper -- I mean, the rest
6 of it's okay. But I think we need to add "increase public
7 awareness of proper," add the word "tire care and
8 maintenance." And then endorse the purchase of products
9 made from recycled waste tires or purchase of retreaded
10 tires just to sort of fill out the sentence.

11 CHAIRPERSON MEDINA: Do you accept those changes,
12 Mr. Paparian?

13 BOARD MEMBER PAPARIAN: Yes.

14 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

15 Could I read that sentence just to make sure
16 we've got it?

17 BOARD MEMBER JONES: Better you than me.

18 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

19 "Increase public awareness of proper tire care
20 and maintenance and endorse products made from recycled
21 waste tires and increase purchase of retreaded tires."
22 Would that be the sequence?

23 BOARD MEMBER PAPARIAN: I think the word
24 "endorse" is the wrong word. I think "encourage." We
25 don't endorse.

1 BOARD MEMBER JONES: Right.

2 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

3 Okay.

4 BOARD MEMBER JONES: That's cumbersome right

5 there so I'm not exactly sure what --

6 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

7 I think we need a verb. "Increase public

8 awareness of proper tire care and maintenance and

9 encourage product made from recycled waste tires" --

10 BOARD MEMBER JONES: "Purchase of."

11 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

12 We have "purchase" in two places. I thought we

13 were trying to streamline it a bit. "Encourage products

14 made and increase purchase of retreaded tires" --

15 BOARD MEMBER PAPARIAN: We're increasing the

16 public awareness of all these things. And that's where I

17 think we get a little complicated.

18 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

19 The "encourage" is sort of funny.

20 BOARD MEMBER PAPARIAN: Mr. Chairman, I know

21 we're coming back with some language on some other things.

22 I think we're in sync on this one. We just need to clean

23 up the slang, and I'd be happy to work with staff on that

24 before we get together again.

25 CHAIRPERSON MEDINA: Very good. So Board Member

1 Jones, Board Member Paparian will work with staff in
2 regard to the proposed change on that one.

3 Number 2.

4 BOARD MEMBER JONES: Same thing as the other one.

5 I think we just put in the safety issue. This is the
6 other one working with CDC. So if Mr. Paparian doesn't
7 mind, we just keep safety in mind.

8 BOARD MEMBER PAPARIAN: Yeah.

9 BOARD MEMBER JONES: Is that all right?

10 BOARD MEMBER PAPARIAN: Yeah. The end of the
11 seconds sentence, "encourage" -- "simultaneously
12 encouraged while maintaining safety considerations."

13 BOARD MEMBER JONES: That'll work.

14 CHAIRPERSON MEDINA: Okay. The change at the
15 bottom of page 48.

16 BOARD MEMBER JONES: How about if we just say "of
17 at least 5 percent." I scratched out what was there. I'm
18 not sure what was there. What was there?

19 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

20 It reads -- the proposed change to number 5 would
21 say "quantify the estimate use of recycled tire products
22 for public agencies and work to achieve an annual increase
23 of 5 percent."

24 BOARD MEMBER PAPARIAN: At least 5 percent works
25 for me.

1 BOARD MEMBER JONES: Yeah.

2 BOARD MEMBER PAPARIAN: And then "an estimate"
3 should be "estimated."

4 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

5 Do we want to include Indian tribes with the
6 public agencies as have been proposed in the --

7 BOARD MEMBER PAPARIAN: Yes.

8 CHAIRPERSON MEDINA: Yes. We're down to the last
9 changes. And we'll get through these two pages then we're
10 pretty much done.

11 Top of page 49.

12 BOARD MEMBER PAPARIAN: I was trying to clean up
13 that language and then provide a measurable in there. The
14 language "percent of reduction in the number of waste
15 tires" didn't quite make sense to me. So we want to
16 achieve something, and I suggest we want to achieve a
17 10 percent annual reduction.

18 CHAIRPERSON MEDINA: Is 10 percent realistic?

19 BOARD MEMBER PAPARIAN: It's a goal.

20 BOARD MEMBER JONES: These are performance
21 measures. I don't think -- I mean, 10 percent of what
22 number? 10 percent of what's already being done. And we
23 don't have -- I mean, do we have homes for these less
24 10 percent -- I mean these 10 percent a year?

25 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

1 It would be difficult. We estimate somewhere
2 around 10 or 11 million tires are being disposed each
3 year. It might be slightly higher because there are some
4 tires that are imported directly for disposal but don't
5 show up in the diversion numbers that we publish.

6 But if it's, say, 10 or 11 million tires a year
7 being disposed, we'd be having to find homes for another
8 million tires a year at least. And I'm just cautioning
9 that with tight economic times, we're all facing the
10 shortfalls of budgets. It might be difficult.

11 BOARD MEMBER JONES: Yeah. I mean --

12 CHAIRPERSON MEDINA: So based on the tire
13 program's experience, what would be a realistic number if
14 not 10 percent?

15 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

16 Well, maybe half that. But the problem is when
17 we've gotten to somewhere around the 75 percent recycling
18 level, and that means there's another 25 percent so not.
19 It gets harder and harder to get those last few
20 percentages. And we made huge strides. In ten years we
21 went from 35 to 75 percent recycling or diversion rate.
22 But to say we can keep up that rate of increase, I think,
23 is optimistic. We might be able to manage 5 percent a
24 year.

25 CHAIRPERSON MEDINA: Ms. Paparian, is

1 5 percent --

2 BOARD MEMBER PAPARIAN: If that's what the
3 Committee will go with, let's go 5 percent.

4 CHAIRPERSON MEDINA: Board Member Jones.

5 BOARD MEMBER JONES: Yeah. It's a performance
6 measure. I'd love to see us achieve that, but you've got
7 a lot of work to do on the markets side to get there.

8 CHAIRPERSON MEDINA: 5 percent it is.

9 This one I can't support, the third party.

10 BOARD MEMBER JONES: Yeah. Neither can I.

11 CHAIRPERSON MEDINA: But that's just my opinion.

12 BOARD MEMBER PAPARIAN: I'd like to have it in
13 there, but I understand if two of you don't want to have
14 it.

15 BOARD MEMBER JONES: I just don't know anybody
16 that's shy about telling us how we screwed up, you know.
17 I haven't met them yet.

18 BOARD MEMBER PAPARIAN: That helps eliminate us
19 from the criticism that the -- if someone has complaints
20 about the program, they're being funneled through the
21 people who they may be complaining about. I think the
22 concept speaks for itself.

23 BOARD MEMBER WASHINGTON: Mr. Leary, we don't
24 have a process where people can appeal in terms of grants
25 and contracts?

1 EXECUTIVE DIRECTOR LEARY: Yes, we do. But I'm
2 not sure that's what Mr. Paparian's trying to get at here.

3 I think we do have an appeal process of the
4 Boards's decision and awards. It goes through Department
5 of General Services and comes through the administration.

6 But I see the value of this as being --
7 potentially improving our grant award process and then
8 protecting us from the non-awardees always whining about
9 it. So if we go out and solicit independent of those, it
10 won't be just the negative feedback. It will be the
11 positive feedback also.

12 But then we can have a staff group internally
13 through our new executive grant oversight Committee do the
14 internal overseeing the policy and putting up the policy.
15 But the procedures of the grant process, we could
16 designate staff who are independent of grant award and
17 grant evaluation do that for us also.

18 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

19 I think there are two issues that are being
20 confused here or maybe I'm just confused. But if we could
21 work this through. There's two different aspects possibly
22 that would be evaluated. One is our grant process, and
23 that includes how we establish criteria, how we rank and
24 review the items, the applications, and then how we award.
25 That's through the up-front process. We could evaluate

1 that.

2 The other thing then is the overall grant program
3 and how it chooses or selects activities to provide grants
4 to, I would certainly hate to be in a position where we
5 ask at the end of a grant cycle for a grantee to give us
6 an opinion of how we ran the grant program.

7 I mean, we may have to terminate the grantee for
8 nonperformance, and we ask them to evaluate this Board? I
9 could just about write that evaluation for you here and
10 now and save us some postage at least.

11 CHAIRPERSON MEDINA: It's been my experience as a
12 Board member that after every grant and loan cycle that I
13 get plenty of feedback unsolicited from the people that
14 were not funded. The people that received the grants and
15 loans are very happy with the process. And the others are
16 very unhappy and let you know.

17 BOARD MEMBER WASHINGTON: That's what I'm sitting
18 here thinking. If I'm getting a grant, who am I
19 complaining to or what am I complaining about? I don't
20 know what kind of feedback you actually get that's going
21 to help do what. I mean, people that get stuff are happy.
22 And so I may be --

23 BOARD MEMBER PAPARIAN: Here's what you agreed to
24 earlier this afternoon, Members. You agreed that a
25 customer service comment form will be developed to obtain

1 feedback. Staff plans on sending out the form to all
2 grantees as the grants close.

3 BOARD MEMBER JONES: You want another person to
4 run that?

5 BOARD MEMBER PAPARIAN: Yeah. I think that it
6 will be beneficial to the program and will insulate us
7 from the criticism that we may not be getting all the
8 information. If somebody has a complaint and their
9 complaint goes back to the person they're complaining
10 about, they may wonder about whether that being sanitized
11 in some way as it gets passed back to us. This would help
12 insulate us from -- you know, insulate the program from
13 that sort of criticism.

14 But, again, I understand that two members at
15 least who don't want this to happen so you can go with the
16 original language. I just don't agree with that.

17 BOARD MEMBER JONES: I just --

18 BOARD MEMBER WASHINGTON: I guess I'm just
19 hard-pressed. It sounds like me to put something like
20 this in place that depends on competence of the staff on
21 the group that Mr. Leary just talked about that can exist
22 to review, something like that -- is it that you don't
23 have the confidence in staff that they can achieve the
24 goal of reviewing these and getting back to you in terms
25 of the program information you're looking for? Or maybe

1 I'm missing something here.

2 BOARD MEMBER PAPARIAN: I think what Mr. Leary
3 describes as an alternate process would work and would
4 stand up to any scrutiny the Legislature might put on us
5 in this regard. Mr. Leary was suggesting that, you know,
6 feedback go through this new grants unit that is
7 independent of the program staff. And I think if we did
8 that, it would probably be appropriate to have it apply to
9 all --

10 BOARD MEMBER WASHINGTON: But that would still be
11 staff; right, Mr. Leary?

12 EXECUTIVE DIRECTOR LEARY: Yes, it is. But it's
13 headed by our Chief Deputy Julie Nauman.

14 BOARD MEMBER WASHINGTON: It's not going
15 outside --

16 EXECUTIVE DIRECTOR LEARY: Right. I think that
17 would be a valuable effort conducted by staff but at the
18 executive level and headed by a person who has no stake in
19 the individual programs and is responsible for their
20 overall effectiveness.

21 BOARD MEMBER PAPARIAN: And I think that, you
22 know, that staff may not take in this spirit. But I think
23 that there are people who in the past have grumped quite
24 loudly about the grant-related programs. And I think that
25 if they knew their grumpiness was not having to go through

1 the people they're grumping about but rather to somebody
2 else that --

3 BOARD MEMBER WASHINGTON: I thought they come to
4 the Board and grump. When I first got here they were
5 grumping.

6 BOARD MEMBER PAPARIAN: Some have been known to
7 do that.

8 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

9 Maybe I didn't say it well enough earlier. If we
10 send the form only to the grantees who were awarded a
11 grant at the end of that grant cycle when we're closing
12 out the grant, then the majority of those will probably be
13 fairly positive. However, if we've had to terminate a
14 grantee, as has happened in the past, I believe that
15 grantee will probably be rather unhappy.

16 If you're wanting to understand how the process
17 has done, wouldn't it be better to survey the applicants,
18 not the grantees, the people -- you know, we may get 40
19 applications in. We award 20 of them, and only 18 of them
20 go to completion because two guys screwed up and we have
21 to terminate those. So if we are going to evaluate any
22 process, wouldn't it be that up-front application process
23 with those original 40 applicants and not the final --

24 BOARD MEMBER PAPARIAN: I think that's a positive
25 recommendation to have it be all the applicants, not just

1 those who got the award, if I'm understanding what you're
2 saying. And I think that would be a positive change.

3 CHAIRPERSON MEDINA: Let's put this aside for now
4 and rethink it. And let's move on to the -- there's
5 three. There's a 9, 10, and 11. I have no problem with
6 number 11.

7 BOARD MEMBER JONES: I have no problem with 9 or
8 10.

9 CHAIRPERSON MEDINA: Okay. No problem with 9 or
10 10.

11 BOARD MEMBER JONES: Well, wait a minute.

12 BOARD MEMBER PAPARIAN: There needs to be some
13 numbers in 9, and I have to look to staff to what the
14 appropriate numbers would be.

15 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

16 As we add and subtract we'll eventually get the
17 numbers straightened out.

18 CHAIRPERSON MEDINA: The numbers to be filled in
19 later.

20 BOARD MEMBER JONES: Then the next page.

21 CHAIRPERSON MEDINA: Okay. Page 50.

22 BOARD MEMBER PAPARIAN: That was from earlier
23 this afternoon a suggestion that we describe and quantify
24 the actual recycling that is taking place. I have to go
25 back and look at your graph to see if we really did that

1 or not.

2 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

3 That's not a performance measure; right? That's
4 just into the text as we described.

5 BOARD MEMBER PAPARIAN: It may be from the
6 description of your past performance. You're correct.
7 It's not a performance measure. It was intended someplace
8 else, and I think someplace else had a description of past
9 diversion. And I was suggesting that we isolate recycling
10 from diversion in that description. Not eliminate the
11 diversion number, but isolate recycling so that's
12 understood.

13 BOARD MEMBER JONES: So, Mr. Chair, as I
14 understand Mr. Paparian's debate here, it is that we make
15 a clear distinction as to what each one of those functions
16 really is, which one is recycling, which one's not
17 recycling, what one's disposal, which one's this, which
18 one's that. Basically it's going to come down to do you
19 want us to have a debate about whether or not -- because
20 right now we don't refer to TDF, I don't think, as
21 recycling. I think we just include it as part of our
22 diversion. Is this intended to have a more-defined
23 description or a debate or what?

24 BOARD MEMBER PAPARIAN: I think we're going to
25 have these debates, but I don't think this item ought to

1 be the one that leads us to this debate. I think other
2 things could lead us to this debate.

3 I think earlier Martha had some charts that
4 indicated a 74.9 or 75 percent diversion rate. And what I
5 was suggesting it not to eliminate that but to also
6 include within that which portion is recycling. I don't
7 think that leads us to this broader debate. I think that
8 just, you know, helps to provide additional information.

9 CHAIRPERSON MEDINA: Due to the lack of clarity
10 on this, I'm proposing we set it aside and we not include
11 it at this time.

12 That's the last proposed text change that we
13 have.

14 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

15 And just as a follow-up to that, we'd be happy to
16 share the annual report with Board Member Paparian which
17 does split out how that 75 percent was achieved.

18 CHAIRPERSON MEDINA: That is the last one.

19 Just one correction under 11 on page 49, "work
20 with California Department of Transportation to ensure,"
21 and that's e-n-s-u-r-e. "To ensure the effective
22 implementation of the Bill 1346."

23 BOARD MEMBER JONES: Can I ask a question. Is
24 Caltrans supposed to help with that bill? Did that bill
25 put an emphasis on Caltrans to do that Kuehl Bill? The

1 Kuehl Bill, I thought, was for local government.

2 BOARD MEMBER PAPARIAN: Yes, it did.

3 BOARD MEMBER JONES: Yes, it did what?

4 BOARD MEMBER PAPARIAN: Yes. It did call out
5 Department of Transportation to help out.

6 BOARD MEMBER JONES: To help the cities?

7 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

8 To post information. Would you like me to read
9 that language?

10 BOARD MEMBER JONES: Yeah.

11 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

12 "The Department of Transportation shall post on
13 its public internet website data and descriptions
14 regarding State Public Works projects using rubberized
15 asphalt concrete." I think that's it.

16 BOARD MEMBER JONES: Is that the only reference
17 to them?

18 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

19 I'm looking.

20 BOARD MEMBER PAPARIAN: And we're supposed to
21 help them in this regard, I believe, too.

22 BOARD MEMBER JONES: Help with the web page or
23 help local government?

24 BOARD MEMBER PAPARIAN: "Board shall post on its
25 public Internet website a link to connect to the data

1 created under paragraph 1 and the data and description
2 provided under paragraph 2."

3 So we're supposed to link to that Caltrans
4 information. But I would bet that -- I'd be pleasantly
5 surprised, but I bet if we don't do a little bit of work
6 to ensure the implementation of this section that Caltrans
7 may not do it. So this is following out --

8 CHAIRPERSON MEDINA: Just from my experience,
9 Caltrans works very close with local government. In fact,
10 a lot of cases because of CalTrans' expertise local
11 government asked Caltrans to come in and help them do
12 their projects.

13 DEPUTY DIRECTOR LEE: Given the Board I think is
14 allocating the \$1.7 million, we would hope that would
15 ensure some level of cooperation.

16 CHAIRPERSON MEDINA: Board members, that
17 concludes our performance measures for today and that
18 concludes our review and revision of the Five-Year Tire
19 Plan. Do I have a motion to approve the text changes to
20 the Five-Year Tire Plan as made with some of the ones that
21 we held back specifically that requires Board members to
22 work with staff and other Board members to get that
23 language specific?

24 DEPUTY DIRECTOR LEE: Excuse me, Chairman Medina,
25 what would be the time frame for that? Are we going to

1 use the April 1st workshop to do that or is that going to
2 be done at what occasion?

3 CHAIRPERSON MEDINA: I don't see the need for the
4 April 1st workshop. I would just as soon bring it to the
5 next Special Waste Committee.

6 BOARD MEMBER JONES: Mr. Chair.

7 CHAIRPERSON MEDINA: Yes, Board Member Jones.

8 BOARD MEMBER JONES: Now we've had items as we
9 went along where it was, you know -- I mean, maybe we
10 objected to some. We said don't include that. There
11 would be like three to one or two to two. I think they
12 were three to one or four-zero, I think. So unless I
13 know -- I mean, other than the ones that we specifically
14 said hold off until later, and there was some -- I think
15 there were three or four; right?

16 Then I'll move that we adopt the Five-Year Plan
17 update, the text part as this Committee has directed to
18 accept some of Mr. Paparian's text language either as
19 revised or as adopted, and that we will work on those
20 other issues and bring those back at the Committee
21 meeting. I don't know how to say that resolution any
22 differently.

23 BOARD MEMBER PAPARIAN: I think we can just come
24 back at the Committee meeting and look at what we need to
25 look at. It's kind of awkward what we're voting on. It's

1 not holding quite together yet until everything's dealt
2 with.

3 BOARD MEMBER JONES: We've got to give the
4 staff -- I think what the Chair is asking is that staff
5 has the direction to go with what the majority of the
6 Committee --

7 BOARD MEMBER PAPARIAN: I think that direction
8 was clear as we went through.

9 BOARD MEMBER WASHINGTON: Without voting I think
10 the Chair can give that direction. And once we see the
11 language in, we can take it up and vote on it.

12 BOARD MEMBER JONES: Okay.

13 CHAIRPERSON MEDINA: That let's proceed on that.

14 We do have one speaker before we adjourn. That's
15 Scott Galati -- two speakers. Michael Blumenthal.

16 And we have Mr. Michael Blumenthal coming.

17 MR. BLUMENTHAL: Thank you, Mr. Chair, members of
18 Board. My name is Michael Blumenthal. I'm the Senior
19 Technical Director for Rubber Manufacturers Association.
20 Principally here to represent U.S. tire manufacturers.
21 Appreciate the opportunity to be here this afternoon.

22 Couple odds and ends. First off, I need to make
23 one apology and point of clarification from what I said
24 last time I was here. I spoke in error when I spoke with
25 the Cal State -- sorry -- Chico State project. It was my

1 understanding at that time they were going to do a
2 brochure. I was told later on they were not going to do
3 the brochure and only going to do the study on how to
4 prepare or what to prepare. So I stand corrected on that.

5 My first question to the Board -- and I think
6 it's almost answered -- was will we have an opportunity to
7 review and comment on the proposed changes or when will we
8 see those? I take it that's going to be at the next Board
9 meeting.

10 One comment I do have is you use the term
11 "product stewardship," and there's no definition for that
12 term. As a representative of that industry, it would be
13 good to have an idea of what product stewardship actually
14 is before the Board moves ahead. There's been no
15 discussion to that.

16 Another point I want to make is that you talk
17 about the hierarchy, reduce, reuse, recycle and recover.
18 Number one way to reduce number of scrap tires is to make
19 them last longer. Longer wear tires. Yet, in all the
20 discussions that we're hearing about, most of the emphasis
21 has been either on higher recycling content or lower
22 rolling, less rolling resistance which is not necessarily
23 consistent with longer wear tires.

24 So I think there's been an inconsistency in what
25 the Board is pushing as far as what the -- compared to

1 what the hierarchy is. And everything I've heard today
2 tells me and is suggesting that the Board wants to comply
3 with the hierarchy; reduce, reuse, recycle, recover. So
4 the emphasis should then be on longer wear tires and tire
5 care and safety because that will make tires last longer.

6 I would encourage the Board to really push the
7 idea of tire care and safety because, as is widely
8 recognized, most people drive their tires underinflated.
9 And you can have the best tires visive low rolling
10 resistance or you can have the highest warranty tread life
11 on a tire. If you don't maintain those tires, you will
12 not achieve those qualities.

13 I want to point out on page 30 of the document,
14 the five-year revision, that from AB 117, number 1 it
15 talks about a partnership looking at high recycle content
16 and then the part that was tabled, the use of tire --
17 encouraged manufacturers to promote the use of retread
18 tires, longer lasting, longer wear tires, as well as
19 recycle content. I should point out that tire
20 manufacturers are the number one entity when it comes to
21 retreading tires. Number two, the trend in tire
22 manufacturing today is to make longer wear tires. And
23 number three, tire manufacturers use around 50 million
24 pounds of recycled content every year in tires, and they
25 are until looking to increase that.

1 On page 36 one of the issues that was raised that
2 was tabled I want to point out that back in 1996 the Waste
3 Board did a report, the effects of waste tires, waste tire
4 facilities, and waste tire projects on the environment.
5 This already exists, and I think many of the questions
6 that you raised are already in here.

7 And on page 42, I'm not sure -- a point of
8 clarification. The last -- the last sentence here
9 "achieve a goal of 3 percent annual increase," was that
10 addressed? When you were talking about that, I got --
11 that one was missed.

12 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

13 What page?

14 MR. BLUMENTHAL: Page 42.

15 CHAIRPERSON MEDINA: 42.

16 MR. BLUMENTHAL: Because under the plan it says
17 "objectives," you have number 2. You have certain
18 numbers. And then under the last line in the shaded area
19 it says "achieve a goal of 3 percent annual increase in
20 the amount of reduce and recycling of waste tires." I'm
21 wondering, number one, how is that different from point
22 number two?

23 The second question I have is I didn't feel that
24 you addressed that one point. I think it was an
25 oversight.

1 And that concluded my comments. Thank you.

2 BOARD MEMBER PAPARIAN: Mr. Chairman,
3 Mr. Blumenthal asked a question about product stewardship.
4 I think I can answer very briefly, I think.

5 CHAIRPERSON MEDINA: Go ahead.

6 BOARD MEMBER PAPARIAN: Since it's -- I'll give
7 you a copy of our Strategic Plan which -- have you seen
8 this plan?

9 MR. BLUMENTHAL: No. I haven't seen -- I
10 haven't seen that.

11 BOARD MEMBER PAPARIAN: I'll give it to you in
12 just a second.

13 MR. BLUMENTHAL: Thank you.

14 BOARD MEMBER PAPARIAN: The best way I think we
15 describe this in our existing situation is we have an
16 end-of-life-fee on tires. Okay. We have good
17 participation in a lot of our workshops and so forth. But
18 we don't have the manufacturers with a whole lot of
19 responsibility for handling waste tires in California.
20 That's what I would consider one extreme.

21 And another extreme would be tire manufacturers
22 taking full responsibility for the tires that they produce
23 when they become a waste tire. Two extremes.

24 Product stewardship is somewhere in the middle.
25 Where it lies in between, I think, depends upon what

1 understandings and agreements can be made between the
2 government entities and the manufacturers.

3 The carpet industry -- and I would refer you to
4 the carpet industry -- has reached a product stewardship
5 agreement with a number of states. The electronics
6 industry is working with states. No agreement has yet
7 been reached.

8 But product stewardship is a little bit of a
9 vague concept. The best I can tell you is it lies
10 somewhere in between those two extremes. Where in between
11 I think depends on the effectiveness of the discussions
12 between the effected parties.

13 MR. BLUMENTHAL: To respond, the tire
14 manufacturers and tires that they create that are either
15 off-spec where they manufacture tires or where you have
16 company-owned stores are, indeed, properly managed by the
17 manufacturer. They take responsibility for those tires
18 that they, in essence, create. So they've been doing that
19 all along.

20 Number two, California's not unique in the sense
21 that the tire manufacturers are not directly handling the
22 tires. It's not done in any other state either. I will
23 point out that the State talks about you have a 75 percent
24 recovery utilization.

25 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

1 Diversion.

2 MR. BLUMENTHAL: Thank you. Diversion,
3 presumably from landfills. And you have the other third
4 going to landfills. Consequently, you have 100 percent --
5 virtually 100 percent of the tires that are produced and
6 generated in California being properly managed. That is a
7 very enviable deed.

8 So when you talk about product stewardship, the
9 idea cannot be compared to what is currently going on in
10 either carpet or in the electronic field because they are
11 just getting started. Our industry has been around for
12 about 17 years. And you mentioned yourself here in
13 California you have virtually 100 percent management of
14 tires.

15 Oh, one other question, Mr. Medina. The meeting
16 in Texas, is this on the 24th or is it earlier?

17 BOARD MEMBER WASHINGTON: Mexico.

18 MR. BLUMENTHAL: Mexico.

19 CHAIRPERSON MEDINA: This is in Mexico on April
20 the 10th, and 11th.

21 MR. BLUMENTHAL: Okay. Thank you.

22 CHAIRPERSON MEDINA: One last speaker, Mr. Scott
23 Galati. And then after that, we will adjourn.

24 MR. GALATI: Scott Galati also representing the
25 Rubber Manufacturer Association, and I'm recently their

1 new California representative.

2 I wanted to be very brief here since I'm last and
3 I have your undivided attention.

4 Wanted to end on a high note. We'd like to
5 applaud the concept that the Waste Board is going to work
6 with the California Energy Commission. There's nothing
7 that generates more angst in an industry than seeing two
8 agencies begin to look at a complicated issue from two
9 very separate viewpoints.

10 We believe there is a direct relationship between
11 tire life and rolling resistance. And we would hate to
12 see what the Board has done in achieving a 75-percent
13 diversion rate all of a sudden start to fall if we are
14 headed in another direction. So we welcome your
15 participation with the Energy Commission. We'll be there
16 with you. So hopefully we can achieve those goals. We
17 find it very difficult to achieve those goals at this
18 stage. We'd like to continue to work towards source
19 reduction.

20 Thank you.

21 CHAIRPERSON MEDINA: Okay. Board Member
22 Paparian, Board Member Jones, Board Member Washington, I
23 want to thank you for your input and for sitting through
24 all of these discussions. I want to thank staff for all
25 of the work that they have done.

1 And then the meeting of April the 1st will not
2 take place. We will bring the text changes to this
3 Special Waste Committee for final approval. And then from
4 there we'll go to the full Board. So again, thank you
5 all. And this meeting is adjourned.

6 (Thereupon the California Integrated Waste
7 Management Board, Special Waste and Market
8 Development Committee adjourned at 6:00 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me,
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the
8 State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 5th day of April, 2003.

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